

Lafayette Regional Airport

Noise Compatibility Program for the **Part 150 Noise Compatibility Study**

Prepared for:



**LAFAYETTE
REGIONAL
AIRPORT**

Prepared by:
URS



Approved by FAA
November 23, 2015

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
7.0 INTRODUCTION.....	7-1
7.1 The Part 150 Process	7-1
7.2 Lafayette Regional Airport Part 150 Study	7-1
7.3 Noise Metrics and the Integrated Noise Model	7-2
7.3.1 Noise Metrics	7-2
7.3.2 The Integrated Noise Model.....	7-2
7.4 NCP Checklist	7-4
8.0 CONSIDERATION OF OPERATIONAL ALTERNATIVES.....	8-1
8.1 Introduction	8-1
8.2 Barriers and Acoustical Shielding	8-2
8.3 Preferential Runway System.....	8-3
8.4 Modification of Flight Tracks	8-8
8.4.1 Flight Track Considerations	8-8
8.4.2 Flight Track Alternatives	8-12
8.5 Airport Use Restrictions	8-19
8.5.1 Denial of Use to Aircraft Not Meeting Federal Noise Standards	8-20
8.5.2 Capacity Limitations Based on Relative Noisiness.....	8-21
8.5.3 Required Use of Noise Abatement Take-off or Approach Procedures.....	8-21
8.5.4 Landing Fees Based on Noise Level or Time of Arrival.....	8-22
8.5.5 Partial or Complete Curfews	8-23
8.6 Summary	8-24
9.0 CONSIDERATION OF LAND USE ALTERNATIVES.....	9-1
9.1 Introduction	9-1
9.2 Preventive Land Use Measures	9-2
9.2.1 Zoning	9-3
9.2.2 Building Codes	9-4
9.2.3 Transfer of Development Rights	9-4
9.2.4 Real Estate Disclosure.....	9-4
9.2.5 Acquisition of Full or Partial Interest	9-7
9.3 Remedial Land Use Actions.....	9-8
9.3.1 Land Acquisition to Change Land Use	9-13
9.3.2 Land Acquisition without Change to Land Use	9-17
9.3.3 Acoustical Treatment of Noncompatible Structures.....	9-19
9.3.4 Purchase of Avigation Easements	9-21
9.4 Summary	9-22
10.0 RECOMMENDED NOISE COMPATIBILITY PROGRAM.....	10-1
10.1 Introduction	10-1
10.2 Measures Recommended for FAA Approval	10-1
10.2.1 Preventative Land Use Mitigation Measure: Acquire Partial Interest	10-1
10.2.2 Remedial Land Use Mitigation Measure: Avigation Easement Acquisition Program	10-1
10.3 Measures Implemented by Local Governing Bodies	10-2
10.3.1 Zoning	10-2
10.3.2 Building Code Amendment	10-2
10.3.3 Real Estate Disclosure.....	10-2
10.3.4 Aircraft Noise Abatement Procedures	10-2
10.4 Implementation Plan	10-2
10.5 Program Revision.....	10-8

TABLE OF CONTENTS (CONTINUED)

<u>Section</u>	<u>Page</u>
11.0 CONSULTATION AND PUBLIC PARTICIPATION	11-1
11.1 Introduction	11-1
11.2 Identification of Consulted Parties	11-1
11.3 Technical Advisory Committee	11-1
11.4 Lafayette Consolidated Government	11-2
11.5 Public Participation.....	11-3
11.6 FAA Review and Approval	11-3

LIST OF APPENDICES

Appendix H	Noise Abatement Procedures
Appendix I	Lafayette Municipal Airport Zoning Restrictions for the City of Lafayette and Lafayette Unincorporated Areas
Appendix J	Sample Fort Worth Building Code
Appendix K	Real Estate Disclosure
Appendix L	List of Program Area Residential Properties
Appendix M	Public Participation and Comment
Appendix N	FAA PGL 12-09
Appendix O	Lafayette Airport Commission
Appendix P	FAA Review and Approval

LIST OF TABLES

<u>Table</u>	<u>Page</u>
7.1 Title 14 CFR Part 150 Noise Compatibility Program Checklist.....	7-4
8.1 Runway Utilization Comprison	8-4
8.2 Alternative 1 Noise Exposure Estimates.....	8-7
8.3 Alternative 2 Noise Exposure Estimates.....	8-19
8.4 Summary of Operational Noise Abatement Alternatives Considered.....	8-25
9.1 Cost Estimate for Acquisition of Full or Partial Interest.....	9-8
9.2 Parcels within the Program Area	9-13
9.3 Cost Estimate for Fee Simple Acquisition with Relocation Assistance.....	9-14
9.4 Cost Estimate for Purchase Assurance/Sales Assurance/Transaction Assistance	9-19
9.5 Cost Estimate for Acoustical Treatment.....	9-20
9.6 Cost Estimate for Acquisition of Avigation Easements	9-22
9.7 Summary of Land Use Noise Mitigation Alternatives Considered	9-23
10.1 Summary of Recommended NCP.....	10-7
10.2 Cost Estimate for Avigation Easement Acquisition Program.....	10-8
11.1 Technical Advisory Committee Members	11-2
11.2 Lafayette City/Parrish Council Members.....	11-2

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Page</u>
7.1 Common Sounds on the dBA Scale	7-3
8.1 All-Weather Wind Rose.....	8-5
8.2 Future (2016) Alternative 1 Noise Contours with 2016 No-Action Alternative 65 DNL Noise Contour Map	8-9
8.3 Existing and Future Condition Flight Tracks Arrival and Departure – Runway 22L/R.....	8-13
8.4 Alternative 2 Proposed Flight Track Departure – Runway 22L.....	8-15
8.5 Future (2016) Alternative 2 Noise Contours with 2016 No-Action Alternative 65 DNL Noise Contour Map	8-17
9.1 Lafayette Municipal Airport Zoning Map	9-5
9.2 Vacant Residential Parcels	9-9
9.3 Program Area.....	9-11
9.4 Developed Residential Parcels within the Program Area	9-15
10.1 Vacant Residential Parcels within the Program Area	10-3
10.2 Developed Residential Parcels within the Program Area	10-5

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SECTION 7.0

INTRODUCTION

7.1 *The Part 150 Process*

The Aviation Safety and Noise Abatement Act (ASNA) was established by Congress in 1979 as a means to provide technical and financial support for airport noise compatibility planning. Under ASNA, the Secretary of Transportation was charged with the responsibility to establish a single system of measuring noise at airports, determine noise exposure, and identify compatible land uses. Thus, in 1981, the Federal Aviation Administration (FAA) established Title 14 Code of Federal Regulation (CFR) part 150, *Airport Noise Compatibility Planning*.

Through ASNA, airport operators voluntarily prepare airport Noise Exposure Maps (NEMs) and Noise Compatibility Programs (NCPs) and submit these materials to the FAA for review. Federal funding is available to the Airport Sponsor to conduct this work. The NEM is a graphic depiction of noise exposure around an airport in current and future operational conditions. Based on the NEM, an NCP is prepared that sets forth the measures an airport operator proposes to take, in order to reduce existing noncompatible land uses and minimize additional noncompatible land uses around the airport.

Title 14 CFR part 150 implements the provisions in ASNA for airport noise compatibility planning. In addition to providing a funding vehicle for noise mitigation and to assess the effectiveness of noise mitigation programs, this regulation sets forth the following:

- The yearly day-night average sound level, abbreviated as DNL or Ldn, for measuring noise exposure;
- The Integrated Noise Model (INM) as the standard noise modeling methodology; and
- The voluntary development of NEMs and NCPs by airport operators.

The Part 150 program provides a comprehensive approach to both prevention and mitigation of airport noise in a community, seeks recommendations from interested parties throughout the development of the program, and provides for funding of eligible items through the Federal Airport Improvement Program (AIP). Furthermore, the NCP is primarily conducted to benefit the areas surrounding an airport.

Under the Part 150 process, the FAA will indicate, upon receipt, whether the NEMs are in compliance with the requirements of the program. If they are in compliance, a notice is published in the Federal Register. Once the NEMs are found to be in compliance, the NCP will undergo a 180-day FAA review period, and the FAA will determine which elements of the program will be approved or disapproved.

7.2 *Lafayette Regional Airport Part 150 Study*

Lafayette Regional Airport (LFT) is located approximately 2 miles southeast of the city center of Lafayette. The airport encompasses approximately 1,116 acres of land in four separate tracts. The airport is owned by the Lafayette Consolidated Government (LCG) and administered by the Lafayette Airport Commission (LAC). Additionally, In the FAA's National Plan of Integrated Airport Systems (NPIAS), which defines the

role of an airport, LFT is classified as a Non-hub Primary Commercial Service Airport. This is defined as a commercial service airport “enplaning less than 0.05 percent of all commercial enplanements but have more than 10,000 annual enplanements.”

This Part 150 study serves to assess the current and future aircraft noise environments, identify compatible and noncompatible land uses within the noise contours, and recommend methods to mitigate aircraft noise and noncompatible land uses and prevent the introduction of additional noncompatible land uses. This report contains the NCP for LFT. The NEMs developed for this Part 150 Study were accepted by the FAA on April 2, 2012.

7.3 *Noise Metrics and the Integrated Noise Model*

7.3.1 *Noise Metrics*

The characteristic by which noise can be described objectively is loudness. Loudness is typically measured in decibels (dB). However, aircraft noise studies use the A-weighted decibel (dBA) scale because it is a measure that better associates sound frequencies with the sensitivity of the human ear. The relative loudness of a sound doubles for each increase of 10 dBA on this scale even though this corresponds to a factor of 10 in relative sound energy. **Exhibit 7.1** presents some common sounds on the dBA scale and their relative sound energy. It should be noted that sounds that differ by 2 dBA or less are not perceived to be significantly different by most people.

The evaluation of the noise environment at LFT will be conducted using the methodology developed by the FAA. Title 14 CFR part 150 and FAA Advisory Circular (AC) 150/5020-1 require that aircraft noise in an airport’s vicinity be determined on an annual average daily basis. The methodology uses the DNL metric developed by the Environmental Protection Agency (EPA) and used by the FAA, the Department of Housing and Urban Development, and other Federal agencies concerned with community noise levels. DNL is a 24-hour logarithmic average of noise levels in dBA, as recommended by the FAA for evaluating aircraft noise impacts. Since sound occurring during nighttime hours is usually found to be more annoying due to sleep disruption, the DNL metric requires the addition of a 10-dB penalty (twice as loud) to nighttime operations taking place between the hours of 10:00 p.m. and 7:00 a.m.

7.3.2 *The Integrated Noise Model*

The FAA’s INM, Version (v) 7.0b features enhancements that enable it to produce more accurate noise predictions than previous versions. INM v 7.0b was used for the 2010 Existing Condition NEM and for the 2016 Future Condition NEM.

Noise contours generated by the FAA’s INM do not depict a strict demarcation of where the noise levels begin or end. Their purpose is to describe the generally expected noise exposure. It must be recognized that although the INM is the current state-of-the-art aircraft noise modeling software, input variables to the INM require several simplifying assumptions to be made, such as aircraft types flown, flight track utilization, day-night operational patterns, and arrival/departure profiles flown. Further, the noise contours represent average annual conditions rather than single event occurrences. Noise exposure on any one

day may be greater or less than the average day. The noise model is useful for comparison of noise impacts and provides a consistent and reasonable method to conduct airport noise compatibility planning.

EXHIBIT 7.1 COMMON SOUNDS ON THE dBA SCALE



Source: URS, 2008.

The information needed to perform a noise analysis typically includes the number of aircraft operations by time of day, aircraft type, and stage length for an average day; operational information; including the use of the runways, the location and use of flight tracks, and aircraft departure and arrival profiles. Detailed methodology is described in **Section 4.2** of the *Noise Exposure Maps and Supporting Documentation*.

7.4 NCP Checklist

To aid in the review process, the FAA has prepared a checklist that details the items to be included in the NCP. This checklist is provided below in **Table 7.1** and indicates the sections throughout the NCP document in which the checklist items are discussed.

**TABLE 7.1
TITLE 14 CFR PART 150
NOISE COMPATIBILITY PROGRAM CHECKLIST**

AIRPORT NAME: <u>Lafayette Regional Airport</u>		
REVIEWER: _____		
Item	Yes/No/NA	Page No./Other Reference
I. Identification and Submission Program:		
A. Submission is properly identified:		
1. FAR 150 NCP?	Yes	Cover and Section 7.2
2. NEM and NCP together?	No	
3. Program revision?	No	
B. Airport and Airport Operator's name identified?	Yes	Cover and Section 7.2
C. NCP transmitted by airport operator cover letter?	Yes	Cover Letter
II. Consultation: [150.23]		
A. Documentation includes narrative of public participation and consultation process?	Yes	Section 11.0 and Appendices M and O
B. Identification of consulted parties:		
1. Are parties in 150.23(c) consulted?	Yes	Sections 11.2 to 11.5
2. Public and planning agencies identified?	Yes	Sections 11.2 to 11.5
3. Agencies in 2., above, correspond to those indicated on the NEM?	Yes	NEM and NCP Sections 6.2 and 6.3
C. Satisfied 150.23(d) requirements:		
1. Documentation shows active and direct participation of parties in B. above?	Yes	Section 11.0 and Appendices M and O
2. Active and direct participation of general public:	Yes	Section 11.5 and Appendix M
3. Participation was prior to and during development of NCP and prior to submittal to FAA?	Yes	Section 11.5 and Appendix M
4. Indicates adequate opportunity afforded public to submit views, data, etc.?	Yes	Section 11.5 and Appendix M
D. Evidence included of notice and opportunity for public hearing on NCP?	Yes	Appendix O
E. Documentation of comments:		
1. Includes summary of public hearing comments if hearing was held?	Yes	Appendix O
2. Includes copy of all written material submitted to operator?	Yes	Appendix M
3. Includes operator's responses/disposition of written and verbal comments?	Yes	Section 9.3.1
F. Informal agreement received from FAA on flight procedures?	N/A	No operational procedures are recommended, see Section 8.6

TABLE 7.1 (CONTINUED)
TITLE 14 CFR PART 150
NOISE COMPATIBILITY PROGRAM CHECKLIST

AIRPORT NAME: <u>Lafayette Regional Airport</u> REVIEWER: _____		
Item	Yes/No/NA	Page No./Other Reference
III. Noise Exposure Maps: [150.23, B150.3, B150.35(f)] This section of the checklist is not a substitute for the NEM checklist. It deals with maps in the context of the NCP submission.		
A. Inclusion of NEMs and supporting documentation:		
1. Map documentation either included or incorporated by reference?	Yes	Section 7.2
2. Maps previously found in compliance by FAA?	Yes	Section 7.2
3. Compliance determination still valid?	Yes	
4. Does 180-day period have to wait for map compliance finding?	No	
B. Revised NEMs submitted with program: (Review using NEM checklist if map revisions included in NCP submittal)		
1. Revised NEMs included with program?	No	
2. Has airport operator requested FAA to make a determination on the NEM(s) when NCP approval is made?	N/A	
C. If program analysis uses noise modeling:		
1. INM, HNM, or FAA-approved equivalent?	Yes	Section 7.3
2. Modeling in accordance with A150.5?	Yes	Section 7.3
D. Existing condition and future maps clearly identified as the official NEMs?	Yes	Exhibit 8.2
IV. Consideration of Alternatives: [B150.7, 150.23(e)]		
A. At a minimum, are the alternatives below considered?		
1. Land acquisition and interest therein, including air rights, easements, and development rights	Yes	Sections 9.2 and 9.3
2. Barriers, acoustical shielding, public building soundproofing	Yes	Sections 8.2 and 9.3
3. Preferential runway system	Yes	Section 8.3
4. Flight procedures	Yes	Section 8.4
5. Restrictions on type/class of aircraft (as least one restriction below must be checked)		
a. Deny use based on Federal standards	Yes	Section 8.5.1
b. Capacity limits based on noisiness	Yes	Section 8.5.2
c. Noise abatement take-off/approach procedures	Yes	Section 8.5.3
d. Landing fees based on noise or time of day	Yes	Section 8.5.4
e. Nighttime restrictions	Yes	Section 8.5.5
6. Other actions with beneficial impact	Yes	Section 9.3
7. Other FAA recommendations	N/A	
B. Responsible implementing authority identified for each considered alternative?	Yes	Table 10.1
C. Analysis of alternative measures:		
1. Measures clearly described?	Yes	Sections 8.3 and 8.4
2. Measures adequately analyzed?	Yes	Sections 8.3 and 8.4
3. Adequate reasoning for rejecting alternatives?	Yes	Sections 8.3 and 8.4
D. Other actions recommended by the FAA:		

TABLE 7.1 (CONTINUED)
TITLE 14 CFR PART 150
NOISE COMPATIBILITY PROGRAM CHECKLIST

AIRPORT NAME: <u>Lafayette Regional Airport</u>		
REVIEWER: _____		
Item	Yes/No/NA	Page No./Other Reference
1. Should other actions be added? (List separately or on back of this form, actions and discussion with airport operator to have them included prior to the start of the 180-day cycle)	No	
V. Alternatives Recommended for Implementation: [150.23(e), B150.7(c), B150.35(b), B150.5]		
A. Document clearly indicates:		
1. Alternatives recommended for implementation?	Yes	Sections 8.6, 9.4, and 10.0
2. Final recommendations are airport operator's, not those of consultant or third party?	Yes	Section 10.1
B. Do all program recommendations:		
1. Relate directly or indirectly to reduction of noise and noncompatible land uses?	Yes	Sections 8.0 and 9.0
2. Contain description of contribution to overall effectiveness of program?	Yes	Sections 8.0, 9.0, and 10.0
3. Noise/land use benefits quantified to extent possible?	Yes	Tables 8.2 and 8.3
4. Include actual/anticipated effect on reducing noise exposure within noncompatible area shown on NEM?	Yes	Tables 8.2 and 8.3
5. Effects based on relevant and reasonable expressed assumptions?	Yes	Sections 8.0 and 9.0
6. Have adequate supporting data to support its contribution to noise/land use compatibility?	Yes	Sections 8.0 and 9.0
C. Analysis appears to support standards set forth in 150.35(b) and B150.5?	Yes	Sections 8.0 and 9.0
D. When use restrictions are recommended:		
1. Are alternatives with potentially significant noise/compatible land use benefits thoroughly analyzed so that appropriate comparisons and conclusions can be made?	N/A	No restrictions were recommended
2. Use restrictions coordinated with APP-600 prior to making determination on start of 180 days?	N/A	No restrictions were recommended
E. Do the following also meet Part 150 analytical standards:		
1. Formal recommendations which continue existing practices?	N/A	
2. New recommendations or changes proposed at end of Part 150 process?	Yes	Sections 8.5, 9.3, 9.4, and 10.0
F. Documentation indicates how recommendations may change previously adopted plans?	N/A	
G. Documentation also:		
1. Identifies agencies which are responsible for implementing each recommendation?	Yes	Table 10.1
2. Indicates whether those agencies have agreed to implement?	No	

TABLE 7.1 (CONTINUED)
TITLE 14 CFR PART 150
NOISE COMPATIBILITY PROGRAM CHECKLIST

AIRPORT NAME: <u>Lafayette Regional Airport</u>		
REVIEWER: _____		
Item	Yes/No/NA	Page No./Other Reference
3. Indicates essential government actions necessary to implement recommendations?	Yes	Table 10.1
H. Timeframe:		
1. Includes agreed upon schedule to implement alternatives?	No	
2. Indicates period covered by the program?	Yes	Table 10.1
I. Funding/Costs:		
1. Includes costs to implement alternatives?	Yes	Table 10.2
2. Includes anticipated funding sources?	Yes	Table 10.1 and Section 10.4
VI. Program Revision: [150.23(e)(9)]		
1. Supporting documentation includes provision for revision?	Yes	Section 10.5

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SECTION 8.0

CONSIDERATION OF OPERATIONAL ALTERNATIVES

8.1 *Introduction*

The primary goals of the Part 150 NCP are:

- Reducing existing noncompatible land uses around the airport and
- Preventing the introduction of additional noncompatible land uses.

Modification of certain aircraft, airport, and Air Traffic Control (ATC) operational procedures has the potential to reduce aircraft noise exposure on people, residential areas, schools, churches, and other noise-sensitive sites around the airport. Operational noise abatement alternatives typically result in either a shift in the location of the noise contours or a reduction in the size of the noise contours. Title 14 CFR part 150 §B150.7(b) indicates that the following alternatives should be analyzed as potential operational noise abatement measures:

- The construction of barriers and acoustical shielding,
- The implementation of a preferential runway system,
- The use of flight procedures (including the modifications of flight tracks) to control the operation of aircraft to reduce exposure to individuals (or specific noise-sensitive areas) to noise in the area around the airport,
- The implementation of any restrictions on the use of the airport by any type or class of aircraft based on the noise characteristics of those aircraft, and
- Other actions or combinations of actions which would have a beneficial noise control or abatement impact on the public.

FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," Chapter 4, "Environmental Assessments and Findings of No Significant Impact," states in Subsection 401n that "new or revised ATC procedures which routinely route air traffic over noise-sensitive areas at less than 3,000 feet above ground level are subject to environmental assessment." This includes procedures that alter flight tracks or the specific altitudes utilized by aircraft. It also includes changes in percent use of a particular altitude, runway, or heading, and use of new headings within an existing departure or arrival area. New procedures that routinely route aircraft over non-noise-sensitive areas are categorically excluded from an Environmental Assessment (EA). Procedural actions requested by users on a test basis to determine the effectiveness of new technology and measurement of possible impacts on the environment are also categorically excluded from EAs.

During the EA process, an initial noise analysis should be accomplished. This analysis is comprised of determining the most likely affected noise-sensitive areas in relation to the resulting operation from the proposed ATC procedure. The FAA has established a threshold beyond which the impact is considered significant. FAA's threshold of significance has been determined to be a DNL 1.5 dB increase in noise over any noise-sensitive area located within the DNL 65 dB contour. If this threshold is not exceeded, the

FAA may conclude that the proposed ATC procedure will not have a significant effect on the human environment and issue a Finding of No Significant Impact (FONSI). Implementation of the proposed ATC procedure may occur following the FONSI. If the impact is considered significant, the FAA may issue a mitigated FONSI or require preparation of an Environmental Impact Statement (EIS) for the proposed ATC procedure.

8.2 Barriers and Acoustical Shielding

Aircraft ground-level noise source locations on an airport include run-up and maintenance areas, taxiways, and freight warehouse areas. Because the noise is generated on the ground, the impact is usually confined to those areas immediately adjacent to the noise source.

An effective method of mitigating this type of noise impact is through the use of noise barriers or berms. This type of mitigation shields nearby noise-sensitive receptors from airport noise sources by placing barriers around the perimeter of airport property or warehouse areas. These barriers absorb and reflect aircraft noise away from the receptors. Barriers are only effective for aircraft on the ground. A barrier cannot absorb or reflect noise energy away from a noise-sensitive receptor after an aircraft is airborne and reaches an altitude that exceeds the height of the barrier. The noise reduction effects of a barrier are based upon the geometric layout of the noise source, the receiver, and the intervening noise barrier. The amount of noise reduction provided by a barrier is calculated based upon the location and position of these three elements relative to each other.

The effectiveness of a noise barrier is based upon the change in path length distance, relative to direct line-of-sight between the source and receiver; the noise must travel around the barrier to reach the receiver. Basically, the greater the distance the noise must travel around the barrier to get to the receiver, the more effective the barrier. This relative change in path length difference is easier to obtain if the noise source and receiver are within close proximity to each other. At LFT, the nearest noise-sensitive receptors to any of the runways occur off the arrival end of Runway 11. This single-family residential area is approximately 890 feet from the runway end. At distances of this magnitude, it is not possible to achieve any appreciable path length difference with the use of a barrier.

Another method of measuring the effectiveness of a noise barrier is the level of diffraction, or the amount of bending around the barrier, the sound must achieve in order to reach the receiver. The greater the change in direction required for the sound to reach the receiver, the greater the noise reduction of the barrier. Due to this characteristic of a sound, barriers that are located close to either the source or the receiver are the most effective, and this type of geometry is effective even if there is a large distance between the source and the receiver. This is one of the reasons ground run-up enclosures are so effective. The noise source is located within 100 feet of a very high barrier, and the sound must diffract a significant amount in order to reach the receiver. As the aircraft is moved further away from the barrier, the effectiveness of the barrier is decreased, and even though the distance between the source and receiver increases minimally, the noise level at the receiver increases.

Noise barriers would work effectively to reduce the level of noise from departure roll as long as the aircraft remains close to the barrier. As the departing aircraft moves further away from the barrier, the amount of diffraction caused by the barrier decreases, the path length difference to the receiver due to the barrier also decreases, and the noise level heard by the receiver increases. Since effective geometry between the source, barrier, and receiver cannot be maintained for departing aircraft, noise barriers do not work effectively to reduce noise from aircraft departure rolls. In addition, the placement of fixed noise barriers of any appreciable size at the end of active runways will impact the runway safety areas (RSAs) and the runway object free areas (ROFAs) as mandated in the Title 14 CFR part 77 standards. In order to meet the clearance requirements described in the aforementioned standards, any noise barrier at the end of a runway would be ineffective.

Strategic placement of new hangar or terminal structures on the airport may also be used as a ground-level noise mitigation measure. Like barriers, buildings will shield adjacent neighborhoods by absorbing and reflecting noise energy. This type of mitigation method can only be addressed during land use planning and site development for future airport improvement projects.

Designation of engine run-up locations will be at the discretion of the airport operator and may be instituted at any time; provided that it does not limit Stage 2 or Stage 3 operations so as to qualify as an airport noise and access restriction, or create an undue burden on interstate commerce. Any such restriction would require compliance with Title 14 CFR part 161.

Recommendation: Barriers and acoustical shielding are not recommended for this NCP.

8.3 *Preferential Runway System*

A preferential runway system involves shifting a portion of the aircraft operations from one runway system to another in order to reduce noise impacts. The purpose of implementing a preferential runway system is to shift aircraft operations from a runway that has noncompatible land uses beneath its approach or departure paths to a runway with compatible land uses beneath its approach or departure paths. A preferential runway will usually have commercial, industrial, or vacant land adjoining the runway ends, thereby reducing noncompatible noise impacts.

FAA Order 8400.9, *National Safety and Operational Criteria for Runway Use Program*, (FAAO 8400.9) defines two classes of systems: informal and formal. A formal system must be defined and acknowledged in a Letter of Understanding between the FAA's Flight Standards Division and Air Traffic Service, the airport proprietor, and the airport users. Operational details of the system are published in a Tower Order and the Airport Facility Directory (AFD) for air traffic controller and pilot compliance with the procedure. Once established, participation by aircraft operators is mandatory. Formal systems can be extremely difficult to establish, especially at airports with many different users.

An informal system is an approved runway use system, which does not require the Letter of Understanding. Informal systems are typically implemented through a Letter of Agreement between the airport proprietor and the Air Traffic Service provider. Like the formal system, operational details of the informal system are published in a Tower Order and the AFD. Participation in the program is voluntary.

A preferential runway use system, either formal or informal, can only be used as long as weather and runway conditions meet the criteria established in FAA Order 8400.9, Section 7. If any of the weather or runway condition criteria in Section 7 are not met or if unusual circumstances regarding air traffic, airspace use, and/or runway availability arise, then the runway that provides the greatest degree of aviation safety will be used.

During the development of the LFT NEMs, overall runway utilization for the 2016 Future Condition was determined to be approximately 64 percent in south flow using Runways 22R and 22L, approximately 26 percent in north flow using Runways 04R and 04L, Approximately 6 percent in an easterly flow on Runway 11, and approximately 4 percent in a west flow on Runway 29.

The primary runway, Runway 04R/22L, handles the majority of operations in either flow, approximately 76 percent, while Runway 04L/22R is mainly used for single-engine and small twin-engine general aviation (GA) operations. Approximately 52 percent of the total aircraft operations occurring at LFT arrive or depart from Runway 22L. These utilizations were based on radar data collected from the FAA.

The LFT Airport Layout Plan (ALP) provided an All Weather Wind Rose, shown in **Exhibit 8.1**. The wind rose can be used to establish the preferred runway use to mitigate noise impacted residential areas southwest of the airport. **Table 8.1** provides a comparison of the runway utilization developed for and used to produce the 2016 Future Condition, and the preferential runway utilization that could be implemented based on the All Weather Condition wind rose. A north flow runway utilization (Runways 04L and 04R) could be used up to approximately 39 percent of the time assuming the acceptance of a maximum 5-knot tailwind component. In addition, Runway 11 could be used up to 10 percent of the time, and Runway 29 could be utilized 7 percent of the time. This change would reduce the use of Runway 22L and 22R to approximately 43 percent of the arrivals and departures at LFT. This alternative preferential runway use procedure, referred to as Alternative 1, was evaluated using the INM.

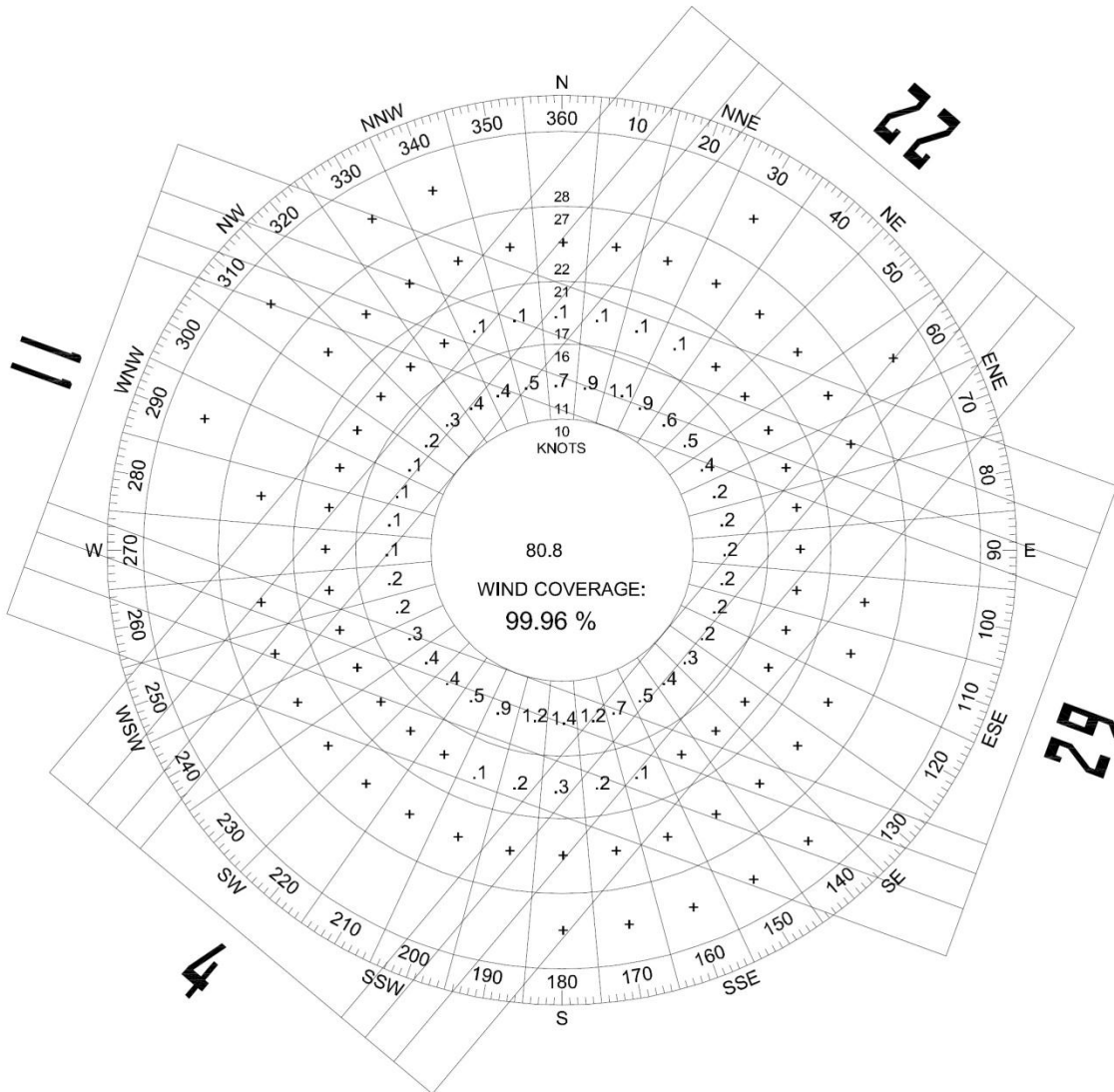
**TABLE 8.1
RUNWAY UTILIZATION COMPARISON**

Runway	2016	
	Future Condition	Alternative 1
04R	23.7 %	36.6 %
22L	51.9 %	37.1 %
04L	2.4 %	2.5 %
22R	12.0 %	6.4 %
11	6.2 %	10.3 %
29	3.8 %	7.1 %
Average	100 %	100 %

Sources: LFT 2009 ALP. URS, 2011.

All Weather Wind Rose

Exhibit 8.1



WIND COVERAGE	10.5 KTS	13 KTS	16 KTS	20 KTS
COMBINED RUNWAYS:	97.13 %	99.24 %	99.81%	99.96 %
RUNWAY 04-22:	93.74 %	97.05 %	99.36 %	99.87 %
RUNWAY 11-29:	86.82 %	92.51 %	98.20 %	99.62 %

SOURCE: NATIONAL CLIMATIC DATA CENTER, 2002
PERIOD: 1992 - 2002

FAR PART 150 NOISE STUDY

LAFAYETTE REGIONAL AIRPORT



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The 2016 Future Condition NEM, Without Program Implementation, was used as a baseline condition for evaluating the effectiveness of Alternative 1. The baseline condition was only changed by adjusting runway use for aircraft operations. All other data elements of the 2016 Future Condition NEM, Without Program Implementation, remained unchanged.

Exhibit 8.2 compares the DNL 65 dB contours of the 2016 Future Condition NEM, Without Program Implementation to the Alternative 1 DNL 65 dB noise contours. **Table 8.2** compares the land use impacts of the 2016 Future Condition NEM, Without Program Implementation to the Alternative 1 DNL 65 dB land use impacts.

TABLE 8.2
ALTERNATIVE 1 NOISE EXPOSURE ESTIMATES
(ACREAGE, BY LAND USE TYPE, OCCURRING WITHIN
PREDICTED DNL 65 DBA NOISE CONTOURS)

Land Use	2016 Without Program Implementation	Alternative 1
Airport	615.5	630.5
Commercial/Industrial	32.5	33.9
Institutional	12.5	12.2
Recreational	34.3	31.2
Utility/Right-of-Way	30.4	31.6
Water	9.0	9.1
Vacant	23.2	21.3
TOTAL Compatible	757.4	769.8
Single-Family Residential	17.6	17.2
Multi-Family Residential	0.2	0.1
Vacant Residential	24.8	13.0
TOTAL Non Compatible	42.6	30.3
TOTAL	800.0	800.1
Noncompatible Change from Without Program Implementation	N/A	- 12.3
Population		
Multi-Family Residential	12.4	7.4
Single-Family Residential	124.0	121.5
Total Population	136.4	129.0
Change from Without Program Implementation	N/A	- 7.4
Housing Units		
Multi-Family Residential	5	3
Single-Family Residential	50	49
Total Housing Units	55	52
Change from Without Program Implementation	N/A	- 3

Sources: U.S. Census, 2009. URS, 2012.

Note: Numbers may not add, due to rounding.

Alternative 1 results in an increase of total land use within the DNL 65 dB noise contour by 0.1 acres. Conversely, Alternative 1 results in a decrease in noncompatible land use of approximately 12.4 acres, primarily vacant residential land. Alternative 1 also results in a decrease of three residential housing units, with a corresponding decrease in affected population of 7.4 people.

Alternative 1 should not be recommended for inclusion in the NCP, as preferential runway use would be difficult to implement and monitoring compliance would be virtually impossible without a permanent noise and flight track monitoring system.

Recommendation: Preferential runway use is not recommended for this NCP.

8.4 *Modification of Flight Tracks*

The modification of flight tracks is a common method of redirecting aircraft overflights, and their corresponding noise, to areas with less-sensitive land uses. The pattern of land use around the airport provides guidance to the design of arrival and departure routes for noise abatement. Any flight track modification considered for implementation cannot compromise safety and must be designed within the realistic capabilities of the aircraft intended to fly the modified flight track.

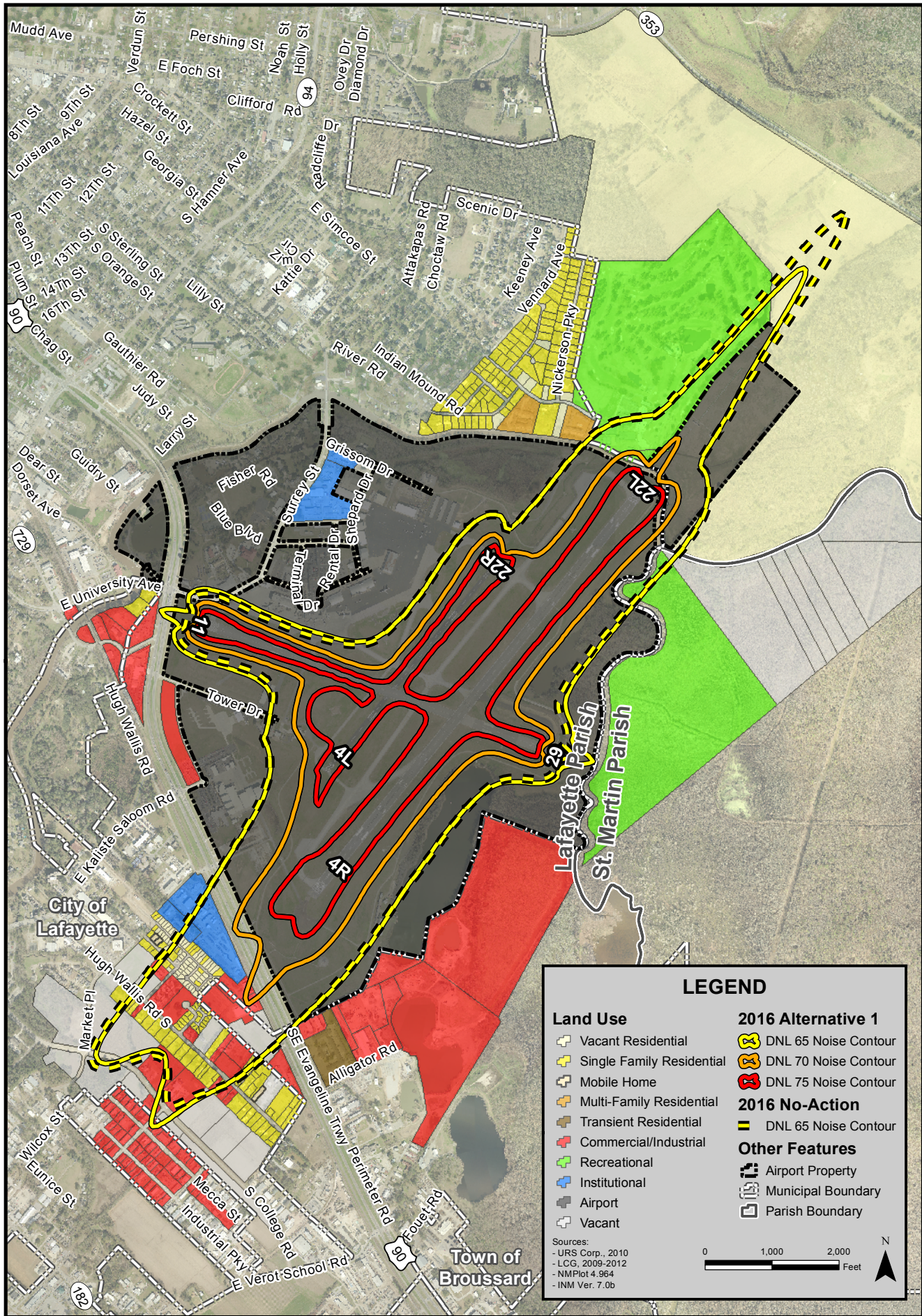
8.4.1 *Flight Track Considerations*

Flight tracks are the result of individual aircraft performance, runway and navigational aid (NAVAID) locations, weather conditions, and ATC procedures. Individual aircraft performance factors include required take-off and landing distances, climb and descent rates, and the aircraft's speed. The speed of an aircraft, along with the amount of bank angle used by the pilot in a turn, influences an aircraft's turning performance and radius. A comparison of the aircraft's required take-off or landing distance to runway lengths available at an airport may require the use of a specific runway. Once a runway is selected, an aircraft's performance, while following departure and arrival procedures for that runway, will define an aircraft's flight track to or from the runway.

Runway and NAVAID Locations

Runway locations and alignment are generally planned and constructed after considering prevailing wind flow patterns, terrain, obstructions, environmental consequences, and the expeditious handling of aircraft arrivals and departures. In turn, NAVAID locations are evaluated under the same criteria, with the added criterion of considering the location of the airport(s) and runway(s) the particular NAVAID is intended to serve.

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Weather Influence

Weather conditions are another factor evaluated in the selection of a runway and the type of procedure used to navigate to or from the runway. All pilots are trained to take-off and land into the wind; this practice optimizes aircraft performance. Based on this practice, a runway's alignment into the wind is used as a runway selection criteria. The two types of aircraft departure and arrival procedures are visual and instrument. Visual procedures can only be used during periods of favorable weather conditions. All active runways support visual procedures. During unfavorable weather conditions, and at the discretion of the pilot during favorable weather conditions, instrument procedures are used. Not all runways support instrument procedures. Even runways that have instrument procedure capability may lose this capability temporarily because of NAVAID outage or maintenance. The evaluation of wind conditions and the type of operating procedures required and available (visual versus instrument) may necessitate the use of a specific runway and flight track.

ATC Procedures

The primary purpose of ATC is to maintain the safe separation of participating aircraft and to develop an orderly and efficient flow of aircraft arrivals and departures. Despite ATC's purpose, the ultimate responsibility for aircraft separation and operation rests solely with the pilot-in-command of each aircraft, according to Federal regulations. However, the pilot-in-command relies heavily on information and assistance received from ATC during times of reduced visibility and poor weather conditions. The need to avoid other aircraft and undesirable weather conditions, such as thunderstorms, may dictate to a pilot and air traffic controller where an aircraft needs to be operated to continue the flight safely. These avoidance situations may cause an aircraft to fly outside the area that is considered the normal departure and arrival corridors (flight tracks) for an airport.

Aircraft Wake Turbulence

Aircraft separation during take-off and landing is important not only for avoiding a collision, but also to avoid the potentially unsafe situation of an aircraft flying through another aircraft's wake turbulence. All aircraft produce wake turbulence, but the severity of the wake turbulence varies with the size, speed, and configuration of an aircraft. Wake turbulence is generated the entire time an aircraft is flying and is a by-product of the aircraft's wings producing lift. The strongest wake turbulence is produced by large, heavy aircraft flying at slow airspeeds with landing gear, flaps, and any other high lift devices retracted. This aircraft configuration occurs just prior to the aircraft beginning its approach to land and soon after departure as the aircraft begins to climb to its en route altitude. The strength of wake turbulence produced by large and heavy aircraft may exceed the flight control authority of some small aircraft. Therefore, a small aircraft's encounter with a large aircraft's wake turbulence can be disastrous for the smaller aircraft. An aircraft operator's best defense against a wake turbulence encounter is to avoid potential wake turbulence areas trailing behind heavy aircraft. The FAA established aircraft separation standards to be used by pilots and air traffic controllers for both collision and wake turbulence avoidance and to expedite aircraft traffic. These standards can be found in the FAA's *Aeronautical Information Manual (AIM)* and FAA Order 7110.65R, *Air Traffic Control Handbook*.

All the factors discussed above have an effect on where aircraft fly while departing and arriving at an airport. All these factors need to be considered while modifying any flight track.

8.4.2 Flight Track Alternatives

Current operational flight tracks modeled at LFT are actual radar tracks of each aircraft arriving and departing from the airport. An example of these tracks is shown in **Exhibit 8.3**, the arrival and departure tracks for Runway 22L/R.

Based on the primary area of noncompatible land use within the DNL 65 dB noise contour, an analysis of the departure tracks off of Runway 22L was conducted to examine the potential for reducing noise impacts southwest of the airport.

Since actual and modeled flight tracks fan out on departure, thereby spreading the contour wider, this analysis examined the impacts if departures off of Runway 22L were required to maintain runway heading for one nautical mile from the runway end before turning.

The departure track, designated 22Alt2_1 would depart following the runway heading for at least one nautical mile. The modeled flight track extends 20 miles on the runway heading since the one mile point is beyond the affected area and any turns occurring would not influence the shape of the DNL 65 dB noise contour. **Exhibit 8.4** shows the existing and proposed Runway 22L departure tracks.

The *2016 Future Condition NEM, Without Program Implementation*, was used as a baseline condition for evaluating the effectiveness of Alternative 2. The baseline condition was only changed by adjusting for the new departure track use. All other data elements of the *2016 Future Condition NEM, Without Program Implementation*, remained unchanged.

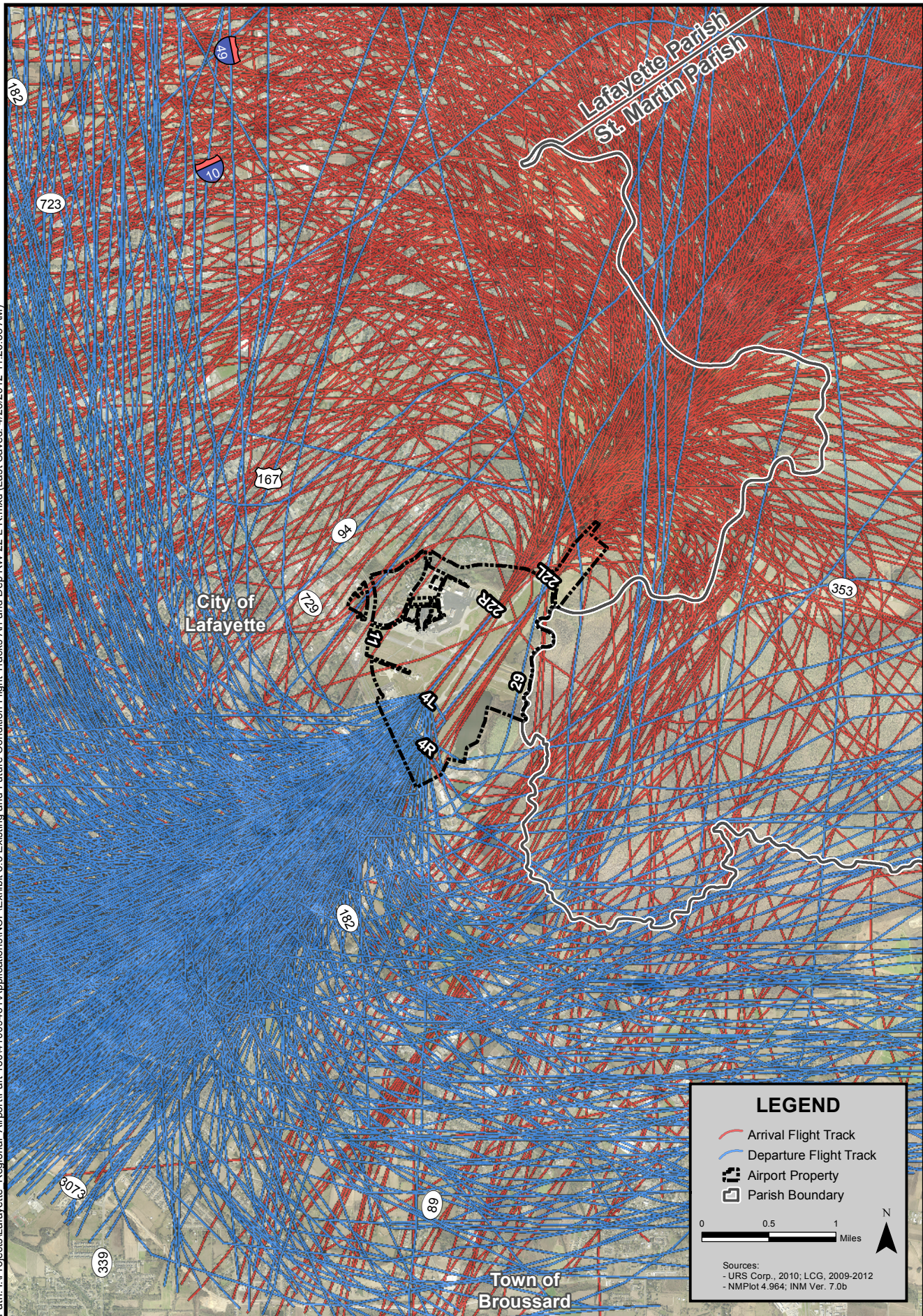
Exhibit 8.5 compares the DNL 65 dB contours of the *2016 Future Condition NEM, Without Program Implementation* to the Alternative 2 DNL 65 dB noise contours. **Table 8.3** compares the land use impacts of the *2016 Future Condition NEM, Without Program Implementation* to the Alternative 2 DNL 65 dB land use impacts.

Alternative 2 results in an increase of total land within the DNL 65 dB noise contour of 55 acres and an increase of non-compatible land use within the DNL 65 dB noise contour of 2.3 acres. Alternative also results in an increase of four housing units and 9.9 people within the DNL 65 dB noise contour.

Alternative 2 should not be recommended for inclusion in the NCP. This alternative results in an increase of impacted noncompatible land, housing units, and population.

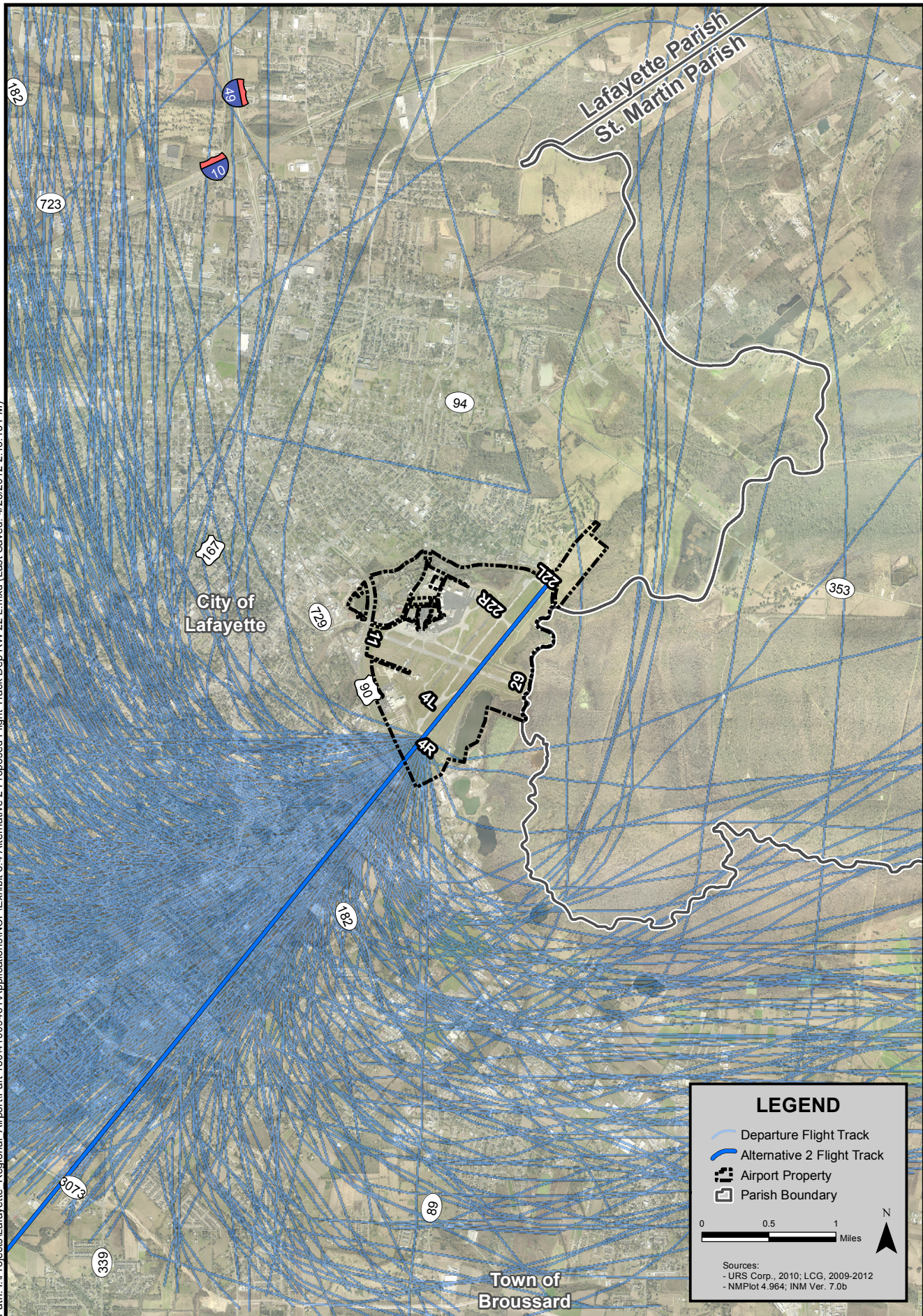
Recommendation: Modification of flight tracks is not recommended for this NCP.

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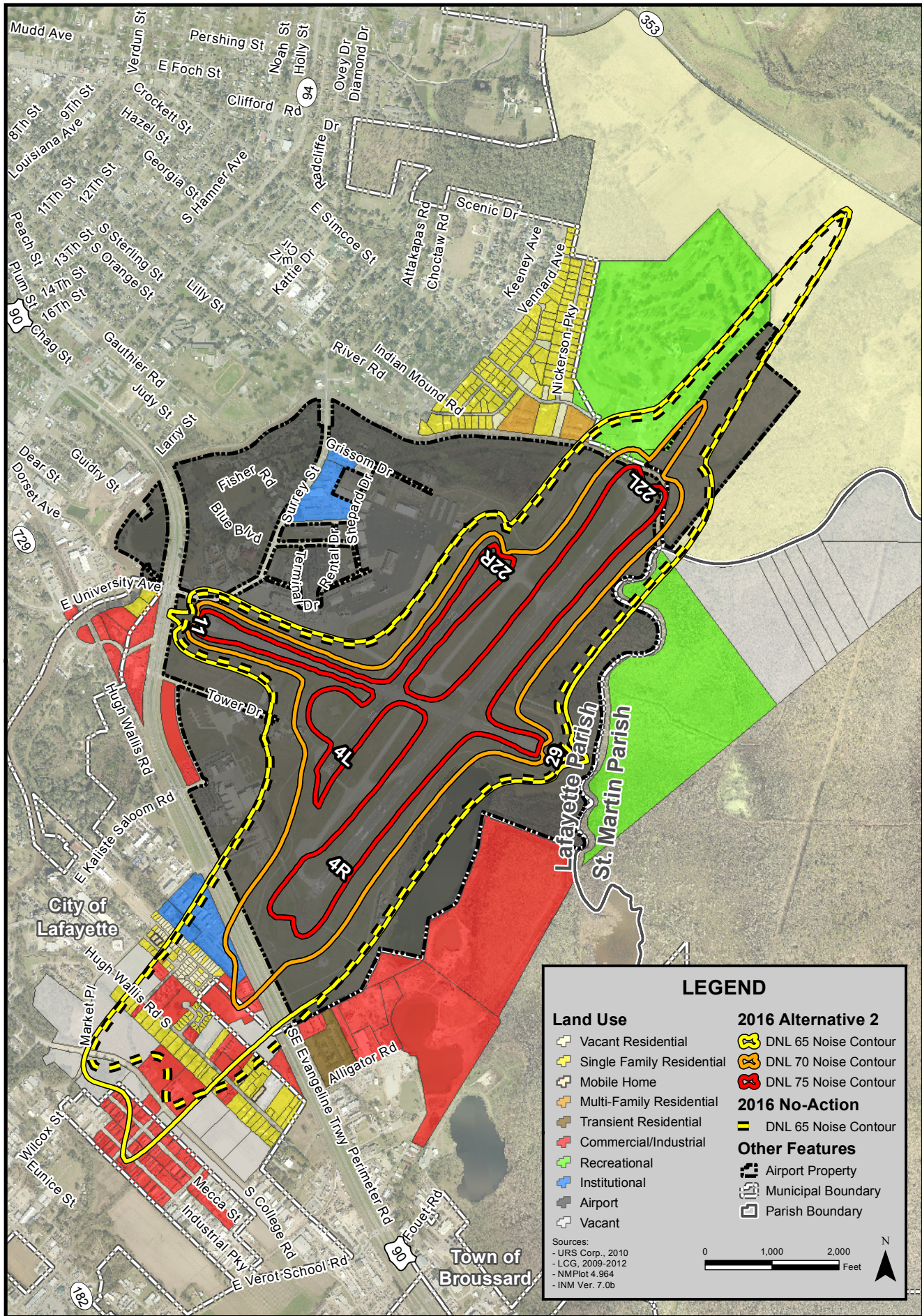
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TABLE 8.3
ALTERNATIVE 2 NOISE EXPOSURE ESTIMATES
(ACREAGE, BY LAND USE TYPE, OCCURRING WITHIN
PREDICTED DNL 65 DBA NOISE CONTOURS)

Land Use	2016 Without Program Implementation	Alternative 2
Airport	615.5	640.0
Commercial/Industrial	32.5	43.1
Institutional	12.5	13.6
Recreational	34.3	38.6
Utility/Right-of-Way	30.4	34.5
Vacant	23.2	30.9
Water	9.0	9.5
TOTAL Compatible	757.4	810.2
Single-Family Residential	17.6	16.4
Multi-Family Residential	0.2	0.6
Vacant Residential	24.8	27.9
TOTAL Noncompatible	42.6	44.9
TOTAL	800.0	855.1
Noncompatible Change from Without Program Implementation	N/A	+ 2.3
Population		
Multi-Family Residential	12.4	27.3
Single-Family Residential	124.0	119.0
Total Population	136.4	146.3
Change from Without Program Implementation	N/A	+ 9.9
Housing Units		
Multi-Family Residential	5	11
Single-Family Residential	50	48
Total Housing Units	55	59
Change from Without Program Implementation	N/A	+ 4

Sources: U.S. Census, 2009. URS, 2012.

Note: Numbers may not add, due to rounding.

8.5 Airport Use Restrictions

Title 14 CFR part 150 §B150.7(b)(5) indicates airport use restrictions may include, but are not limited to:

- Denial of use of the airport to aircraft types or classes that do not meet Federal noise standards,
- Capacity limitations based on the relative noisiness of different types of aircraft,
- Requirement that aircraft using the airport must use noise abatement take-off or approach procedures,
- Landing fees based on FAA-certificated or FAA-estimated noise emission levels or on time of arrival, and
- Partial or complete curfews.

Under Federal law, the LAC has limited authority to restrict access to LFT. The LAC may adopt airport use restrictions, provided the restrictions are reasonable, nondiscriminatory, and do not impose an undue burden on interstate or foreign commerce (Part 150 §150.35(b)(1)). In addition, to maintain eligibility to receive Federal grant funds under the AIP or approval to impose and use a Passenger Facility Charge (PFC), the LAC would be required to propose airport noise and access restrictions in compliance with the *Airport Noise and Capacity Act of 1990* (recodified at P.L. 103-272), 49 United States Code (U.S.C.) 47521 (ANCA), as implemented by Title 14 CFR part 161.

By requiring the preparation of extensive documentation under Part 161, the National Noise Policy has applied a more uniform national standard which has made it more difficult for individual airports to establish access restrictions. This action was taken as a compromise to facilitate the accelerated transition of the commercial jet fleet from Stage 2 to Stage 3 aircraft under the requirements of the ANCA. Part 161 applies to noise or access restrictions on any Stage 2 or Stage 3 aircraft, regardless of weight. The following subsections provide more detail regarding airport use restrictions and their applicability at LFT.

8.5.1 Denial of Use to Aircraft Not Meeting Federal Noise Standards

Federal noise standards are established in Title 14 CFR part 36, *Noise Standards: Aircraft Type and Airworthiness Certification*, which prescribes noise standards for the issuance of airworthiness certificates for the following aircraft types that operate at LFT:

- Subsonic transport-category large airplanes,
- Subsonic turbojet-powered airplanes,
- Propeller-driven small airplanes,
- Propeller-driven commuter-category airplanes, and
- Helicopters.

Aircraft that meet Federal noise standards are listed in AC 36-1H, *Noise Levels for U.S. Certificated and Foreign Aircraft*. Most turbojets and other large aircraft produced after 1980 meet Federal noise standards, as do most propeller-driven light airplanes.

Title 14 CFR part 91, *General Operating and Flight Rules, Subpart I - Operating Noise Limits*, prescribes operating noise limits and related requirements that apply to the operation of civil subsonic turbojet airplanes with a maximum certificated weight of more than 75,000 pounds. Airplanes that do not comply with Part 36 Stage 2 or Stage 3 noise levels have been prohibited from operating at LFT since January 1, 1985 by title 14 CFR part 91 §91.805. After December 31, 1999, airplanes that do not comply with Part 36 Stage 3 noise levels were prohibited from operating at LFT by Part 91 §91.853. There are currently no Federal operating noise limits that apply to the operation of Stage 1, Stage 2, or Stage 3 aircraft weighing less than 75,000 pounds. The ANCA did not legislate the phase-out of these noisy aircraft, which weigh less than 75,000 pounds, as it did for heavier Stage 2 aircraft in the commercial aircraft fleet. The most recent FAA authorization bill, *The FAA Modernization and Reform Act of 2012*, requires aircraft weighing

less than 75,000 pounds that do not meet Stage 3 noise levels to be phased out of service by December 31, 2015.

Recommendation: Denial of use to aircraft not meeting Federal noise standards is not recommended for this NCP.

8.5.2 Capacity Limitations Based on Relative Noisiness

Capacity limitations based on either total operations or relative noisiness of aircraft can be considered as a method of controlling total cumulative noise exposure. A capacity limitation based on the relative noisiness of aircraft would involve the selection of a maximum allowable noise level or different noise levels for daytime and nighttime operations. AC 36-3H, *Estimated Airplane Noise Levels in A-Weighted Decibels*, provides listings of estimated airplane noise levels for most of the airplanes currently operating at LFT.

LAC could consider prohibiting aircraft that exceed the AC 36-3H estimated noise levels of the “loudest” aircraft currently based at LFT. This approach would reduce or eliminate potential adverse economic impacts to local businesses currently operating at LFT. Conversely, it would preclude the introduction of noisier aircraft to LFT. It may limit the ability of the airport to attract some future businesses such as air cargo and industrial users.

An access restriction denying the use of LFT to aircraft with AC 36-3H estimated noise levels that exceed an established threshold would restrict the operation of Stage 2 and Stage 3 aircraft. Therefore, such a restriction would be subject to the extensive analysis required in Part 161.

Recommendation: Capacity limitations based on relative noisiness are not recommended for this NCP.

8.5.3 Required Use of Noise Abatement Take-off or Approach Procedures

Another approach to noise abatement suggested by Part 150 guidance is the implementation of operating techniques, which would make the aircraft fly quieter over noise-sensitive areas. These take the form of either adjustments to the rate of descent, flap settings for aircraft on approach, or the level of thrust used in take-off. The measures related to arrival operations are relatively limited in their effect by virtue of the low thrust levels during approach and the necessity to establish stabilized descent gradients prior to reaching the landing decision heights. However, because of the higher thrust levels, the adjustment of take-off procedures are frequently identified as being a potential alternative for noise abatement. Noise abatement procedures cannot compromise safety, are normally voluntary, and at the pilot’s discretion.

There are four recognized sources of noise abatement procedures or guidelines. The first source is FAA AC 91-53A, which describes acceptable criteria for safe noise abatement departure profiles for subsonic turbojet-powered airplanes with a maximum certificated gross take-off weight of more than 75,000 pounds. The second source is an aircraft manufacturer’s Pilot Operating Handbook or an air carrier’s Operations Manual, which contain specific noise abatement procedures for a particular make and model of aircraft. The third source is the National Business Aircraft Association (NBAA) Noise Abatement Program, which has developed noise abatement take-off and arrival procedures for its membership that

have virtually become an industry standard for operators of business jet aircraft. The fourth source is the Aircraft Owners and Pilots Association (AOPA), which publishes noise awareness guidelines in its yearly airport directory.

AC 91-53A has two types of procedures: close-in and distant community procedures. Close-in community noise abatement departure profiles are intended to provide noise reduction for noise-sensitive areas located in close proximity to the departure end of an airport runway. Distant community noise abatement departure profiles are intended to provide noise reduction for all other noise-sensitive areas. Studies conducted for the FAA reveal that the aforementioned procedures provide negligible noise reduction (0 to 2 dB) for Stage 3 aircraft such as the Boeing 757, 737-300, and 737-400. Noise reduction for Stage 2 aircraft that have been fitted with hushkits to meet Stage 3 requirements is normally less significant.

The NBAA standard departure procedure is recommended for use when sensitive sites are located further than 10,000 feet from the beginning of take-off roll. They have also developed a similar close-in departure procedure for situations when sensitive sites are located less than 10,000 feet from the start of take-off roll. Arrival procedures have also been developed for both instrument and visual flying conditions.

The AOPA has published *Noise Awareness Steps* for AOPA members to consider while operating their aircraft. These steps include consideration of noise sensitive area over-flight, pre-take-off run-up locations, and take-off and approach procedures. Specific information pertaining to noise abatement arrival and departure routes or procedures is also published in the AOPA airport directory for airports that have developed noise abatement procedures or profiles.

Appendix H contains a copy of AC 91-53A, the NBAA noise abatement procedures, and the AOPA *Noise Awareness Steps*.

Recommendation: The Lafayette Airport Commission should encourage the voluntary utilization of Noise Abatement Departure Procedures as outlined in FAA AC 91-53A, air carrier or aircraft manufacture specific procedures, the NBAA Noise Abatement Program, and the AOPA Noise Awareness Steps.

8.5.4 Landing Fees Based on Noise Level or Time of Arrival

LAC levies landing fees on aircraft to raise revenue for airport operations and maintenance. Fees are based on aircraft gross weight. Landing fees can also be based on aircraft noise levels and the time of day of aircraft landings. The theory behind the use of differential landing fees based on noise levels or the time of arrival is they will provide an incentive for airlines to bring quieter aircraft into the airport or schedule landing operations during low-fee hours. However, for such a landing fee to exert genuine leverage on carriers to convert to quieter aircraft, it would most likely be challenged as an undue burden on interstate commerce. Additionally, development of a differential fee structure that would not be considered discriminatory, while at the same time being effective, would be difficult and would be subject to the extensive analysis required in Part 161. Such fees would be more likely to drive carriers away rather than force them to use quieter aircraft. A differential nighttime landing fee may also create

potential adverse economic impacts and furthermore, it may limit the ability of the airport to attract some future businesses such as air cargo users.

A few years ago, the airport industry entertained the idea of instituting landing fees for GA operations. The motivation behind this concept was the generation of revenue to replace anticipated losses in AIP discretionary and entitlement funds. GA organizations such as AOPA and NBAA actively opposed this action, arguing it would place an undue economic burden on GA and fees are already collected from GA aircraft operators during fuel sales. Generally, there are two types of fees collected, Federal and local. The Federal fees are placed in the Airport and Airway Trust Fund. Legislation, passed by Congress, authorizes the FAA to use money from this trust fund to operate the FAA and fund airport improvements. Local fees are usually referred to as “flowage” fees and are used to offset the cost of maintaining refueling equipment and other airport facilities. Regardless, because of the unscheduled nature of GA operations, the collection of additional landing fees can at times be burdensome and require a lot of effort from the airport staff to manage. The additional expense associated with collecting GA landing fees may exceed the revenue collected.

Recommendation: Landing fees based on noise level or time of arrival are not recommended for this NCP.

8.5.5 *Partial or Complete Curfews*

FAA AC 150/5020-1 indicates that curfews are an effective though costly method of controlling airport noise. Since unwanted noise is most pronounced in the late evening or early morning hours, curfews are usually implemented to restrict nighttime operations. A nighttime curfew could be in effect between 10:00 p.m. and 7:00 a.m., which corresponds to the nighttime period for the DNL calculation, or, to be less restrictive, could be in effect between midnight and 6:00 a.m., for example. A curfew could also apply only to departures, only to arrivals, or to both departures and arrivals. A curfew could be implemented in conjunction with a restriction based on relative noisiness, to restrict use of the airport during certain nighttime hours to only allow aircraft that generated noise levels below a specified threshold.

The prohibition of all traffic during the noise-sensitive hours may place a significant constraint on certain businesses currently operating at LFT. Cargo operations are a major source of revenue for LFT and cargo carriers tend to operate during the nighttime hours between midnight and 6:00 a.m. Additionally, helicopter missions in support of the oil industry and for emergency services are frequently necessarily performed during the nighttime hours. Early morning departures are often very attractive for business travelers who wish to reach their destination with a large part of the workday ahead of them. Similarly, late night arrivals are important in allowing travelers to return home without incurring the costs of another night away.

A curfew at LFT would impact the operation of Stage 3 aircraft. Therefore, such a restriction would be subject to the extensive analysis required by Title 14 CFR part 161.

Recommendation: Partial or complete curfews are not recommended for this NCP.

8.6 Summary

This section presented a variety of operational alternatives for consideration at LFT. **Table 8.4** summarizes the alternatives, describes advantages and disadvantages of each, and indicates which alternatives are recommended for inclusion in the NCP.

The following measure was recommended for inclusion in the NCP:

- Encourage the voluntary utilization of Noise Abatement Procedures as outlined in FAA AC 91-53A, air carrier or aircraft manufacture specific procedures, the NBAA Noise Abatement Program, and the AOPA *Noise Awareness Steps*. **Appendix H** contains Standard Noise Abatement Procedures.

TABLE 8.4
SUMMARY OF OPERATIONAL NOISE ABATEMENT ALTERNATIVES CONSIDERED

Operational Noise Abatement Alternatives	Advantages	Disadvantages	Recommended For NCP
Install Barriers and Acoustical Shielding	✓ Reduces noise levels generated by ground sources at sites near the airport.	✓ Sources and receptors must be in close proximity for effective noise reduction. ✓ Expensive and permanent. ✓ Maybe unappealing to some.	No
Preferential Runway Use System	✓ Directs operations over more compatible land uses. ✓ May decrease area requiring land use mitigation measures.	✓ Decreases ATC flexibility and may cause delays.	No
Modification of Flight Tracks	✓ Shifts noise impacts away from noncompatible land use areas. ✓ Minimal expense. ✓ May decrease area requiring land use mitigation measures.	✓ May shift noise to areas not previously impacted. ✓ May effect ATC procedures, airport efficiency and capacity, and cause delays. ✓ Limited in some regard by aircraft performance.	No
Airport Use Restrictions	✓ Reduces noise impacts by restricting noisier aircraft. ✓ May decrease area requiring land use mitigation measures.	✓ Limits airport potential. Impacts local economy. Discourages new business. ✓ May inconvenience the traveling public. ✓ May violate Federal grant assurances. ✓ Usually requires detailed Part 161 study and FAA approval.	No
Aircraft Noise Abatement Procedures	✓ Decreases noise impacts. May decrease area requiring land use mitigation measures.	✓ Increases pilot workload. ✓ Slightly increases time to climb and en route time for some aircraft.	Yes
Landing Fees	✓ Generates revenue for noise mitigation projects. ✓ May shift aircraft operations to another airport where no landing fee is charged. If aircraft operations shift to another airport, it would reduce noise impacts.	✓ Possible discrimination against some aircraft. ✓ Increased administrative workload. ✓ May shift aircraft operations to another airport and decrease revenue opportunities for the airport.	No
Curfews	✓ Reduces noise impacts during the specified curfew period. ✓ May decrease area requiring land use mitigation measures.	✓ Reduces operation opportunity, airport capacity, and possibly airport revenue.	No

Source: URS, 2012.

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SECTION 9.0 CONSIDERATION OF LAND USE ALTERNATIVES

9.1 *Introduction*

Land use alternatives have the potential to mitigate noise exposure on existing noise-sensitive land uses and minimize the introduction of additional noise-sensitive land uses in the vicinity of the airport. The following goals and objectives will be considered for all potential land use measures:

- Minimizing new noncompatible noise-sensitive development in the vicinity of the airport,
- Providing mitigation alternatives that are sensitive to the needs of the community and its stability,
- Providing alternatives that will maintain the existing tax base and property values,
- Ensuring that alternatives presented are consistent with land use policies and regulations of the respective jurisdictions, and
- Providing mitigation for noncompatible noise-sensitive sites impacted by noise exceeding DNL 65 dB wherever practical and feasible.

To meet these goals and objectives, two types of land use measures have been identified: preventive and remedial.

Land use and development controls that seek to prevent the introduction of additional noncompatible and noise-sensitive land uses within existing and future noise contours are referred to as preventive measures. The controls that are generally most useful are: zoning, easements, transfer of development rights, establishing minimum acoustical insulation standards for building codes, and land acquisition.

Corrective or remedial actions seek to alleviate existing conflicts between land use and airport noise. Changes in the use of noise-impacted land or changes in occupancy to uses or occupations less sensitive to noise are practical strategies for resolving conflicts. Noise insulation and acquisition of full or partial interest in the land are also examples of possible actions that can be used to mitigate noise impacts.

Both preventive and remedial land use measures will be described and evaluated in this section with regard to their suitability for implementation at LFT.

FAA Order 5100.38C, *Airport Improvement Program (AIP) Handbook*, Chapter 8, Section 2, paragraph 810.b states, "Noise compatibility projects usually are located in areas where aircraft noise exposure is significant, as measured in day-night average sound level (DNL) of 65 decibels (dB) or greater. In addition, projects within DNL 65 may be expanded beyond the DNL 65 dB contour to include a reasonable additional number of otherwise ineligible parcels contiguous to the project area, if necessary to achieve equality in the neighborhood. Neighborhood or street boundary lines may help determine what is reasonable, in addition to numbers of properties."

9.2 Preventive Land Use Measures

Potentially new noncompatible land uses could include:

- Areas currently undergoing residential or other noncompatible construction;
- Areas identified for residential or other noncompatible development where construction has not begun; and
- Areas currently compatible, but in danger of being developed noncompatibly within the time frame covered by the airport's Noise Compatibility Program.

The FAA has given extensive consideration to the subject of noncompatible land uses around airports. In 1993, the FAA established a Study Group on Compatible Land Use to assist in the development of a national strategy to prevent and reduce noncompatible land uses. The Study Group's final report (FAA, 1995) concluded that, while Title 14 CFR part 150 and its predecessor programs have contributed to the reduction of existing noncompatible land use by mitigating and abating aircraft noise, they have been generally ineffective in preventing noncompatible development from continuing in the airport environs. This is particularly the case when airport owners are not the jurisdictions with land use control authority. Because of the wide range of often opposing interests, it has been proven difficult to reach a consensus on how best to promote or require compatible land use planning controls.

Prevention of additional noncompatible land uses is dependent upon the cooperative efforts of airport operators, state and local planners, other officials, and interested citizens. When a local jurisdiction allows additional noncompatible development within the airport's noise impact area, it can result in noise problems for the people who move into the area. This can, in turn, result in noise problems for the airport's operator in the form of inverse condemnation or noise nuisance lawsuits, public opposition to the airport, and local political pressure for airport operational and capacity limitations to reduce noise.

In 1998, the FAA revised their policy on Part 150 land use determinations and AIP funding. The impact of the FAA's revised policy would be to preclude the use of the Part 150 Program and AIP funds to remediate new noncompatible development within the noise contours of an airport after the effective date of the policy revision (October 1, 1998). By precluding this option, while at the same time emphasizing the array of preventive land use measures that may be applied to potential new noncompatible development, the FAA seeks to focus airport operators and local governments more clearly on using these Federal programs to the maximum extent to prevent noncompatible development around airports, rather than attempting to mitigate noise in such development after the fact. The FAA has determined that such a policy will better serve the public interest. Federal funding would be available to assist airport operators in dealing with new noncompatible development that is not being successfully controlled by local jurisdictions, so long as the airport's methods prevent the noncompatible development rather than mitigating it after development has occurred. This should be a more cost-effective use of limited Federal dollars since remedial land use measures generally cost more for a given unit than preventive measures.

As of October 1, 1998, the FAA will approve, under Part 150 only, remedial noise mitigation measures for existing noncompatible development and only preventive noise mitigation measures in areas of potential new noncompatible development. The FAA will not approve remedial noise mitigation measures for new noncompatible development that occurs in the vicinity of airports after October 1, 1998.

The FAA recognized that there will be gray areas which will have to be addressed on a case-by-case basis within these policy guidelines. For example:

- Minor development on vacant lots within an existing residential neighborhood, which clearly is not extensive new noncompatible development may, for practical purposes, need to be treated with the same remedial measure applied to the rest of the neighborhood.
- A remedial situation in which noise from an airport's operation has significantly increased as a result of changes in the type or frequency of aircraft operations, resulting in new areas that were compatible with initial conditions becoming noncompatible.
- A remedial situation in which noise from an airport's operation has significantly increased as a result of changes in the airport layout, resulting in new areas that were compatible with initial conditions becoming noncompatible.
- A remedial situation in which noise from an airport's operation has significantly increased as a result of changes in the flight patterns, resulting in new areas that were compatible with initial conditions becoming noncompatible.

Airport Sponsors must provide adequate justification in the Part 150 submittals for such exceptions to the policy guidelines.

9.2.1 Zoning

Land use planning and the adoption, administration, and enforcement of zoning regulations are an exclusive authority of the local governments of Louisiana within each of their jurisdictions. This includes authority for airport-compatible land use planning. The FAA does not have the authority to exercise land use control in a local government's jurisdiction.

Airspace protection is necessary to protect public airports and the navigable airspace needed to operate them safely and efficiently. This is accomplished by regulating the height of objects. Airspace protection is provided by overlay height zoning. The zoning must limit objects to heights remaining below navigable airspace altitudes. The typical height control overlay is the airport's FAR Part 77 imaginary surfaces.

Airport noise compatible land use is needed to promote public health and welfare while preserving airport operating capability. Noncompatible development can be prevented and further development controlled by limiting noise-impacted or noise-sensitive uses. Noise compatibility is provided by establishing overlay zoning to limit noise-sensitive land uses near airports. Controls should address current and future land use within specific areas of exposure to aircraft-generated noise.

Compatible land use for public safety is required to minimize the risk of injury to the general public in the event of an aviation accident. Controls are necessary to prevent interference with effective aircraft accident emergency response and to limit the potential for additional aircraft damage or occupant injury. Land use controls are also needed to ensure conditions associated with a use will not interfere with the safe operation of aircraft in flight. Public safety compatibility is established by overlay zoning that limits land uses in order to minimize risk factors associated with aircraft operations. Currently in place are City of Lafayette and Lafayette Parish airport height overlays. The height control overlays are shown in **Exhibit 9.1. Appendix I** contains both the ordinances, which includes a description of the Lafayette Airport Zoning Restrictions.

Currently, there are no state or local airport compatibility guidelines, overlay zones, or zoning regulations addressing noise compatibility for LFT.

Recommendation: The Lafayette Airport Commission should work with the local governments whose jurisdiction includes areas surrounding LFT to develop appropriate zoning and land use planning rules and regulations to promote the public welfare while allowing the airport to operate safely and efficiently. The priority should be adoption of a noise control overlay zone.

9.2.2 Building Codes

Building codes regulate the construction of buildings, setting standards for materials and construction techniques to protect the health, welfare, and safety of residents. Codes address structural concerns, ventilation, and insulation, each of which influences the noise attenuation of a building. Building codes commonly apply to both new construction and major alterations. In response to airport-related noise, building codes can be written that ensure structures are designed and built to achieve Noise Level Reduction (NLR) specifications. These specifications indicate the amount of NLR required in structures within the various levels of noise exposure around an airport. These requirements are usually adopted in conjunction with noise overlay zoning ordinances. As an example, **Appendix J** contains the building code adopted by the City of Fort Worth in response to a Joint Land Use Study performed at Naval Air Station Fort Worth.

Recommendation: The Lafayette Consolidated Government and the Lafayette Airport Commission should work with the local governments whose jurisdiction includes areas of LFT to develop an appropriate noise overlay zone and appropriate building codes to meet NLR requirements.

9.2.3 Transfer of Development Rights

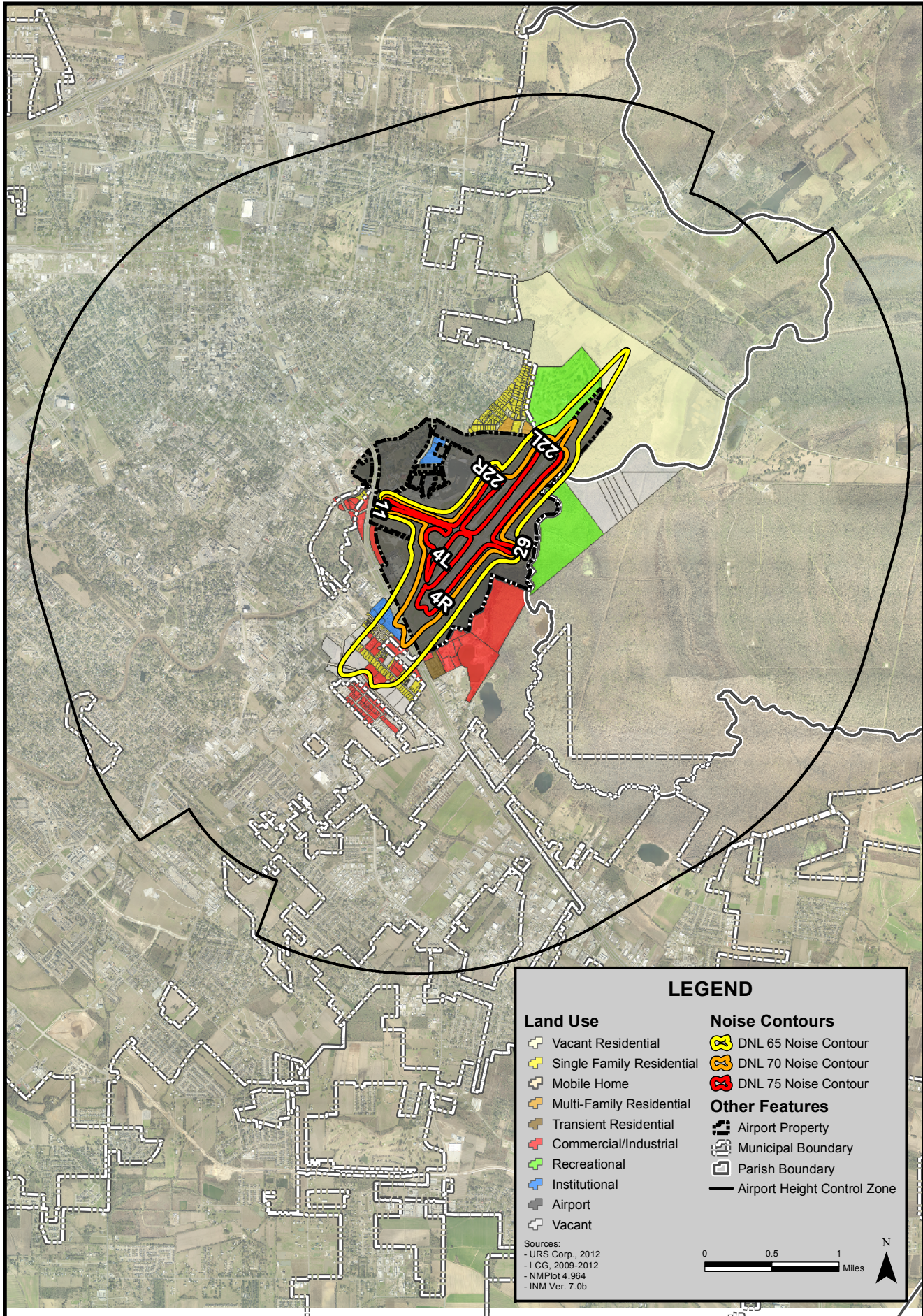
Transfer of development rights (TDR) involves separate ownership and use of various “rights” associated with a parcel of real estate. Under the TDR concept, some of the property’s development rights are transferred to a remote location where they may be used to intensify allowable development. With TDR, for example, lands within the airport’s noise impact area could be kept in open space or agricultural uses and their development rights for residential uses transferred to locations outside the area. Landowners could be compensated for the transferred development rights by the sale of those rights at the new location, or the airport could purchase the rights. Depending on market conditions and/or legal requirements, the airport could either hold or resell the rights. The TDR approach must be fully coordinated with the community’s planning and zoning. It may be necessary for the zoning ordinance to be amended in order to permit TDRs. Also, such transfers must usually be contained within single zoning jurisdictions. TDR is a very complicated technique that cannot be fully justified for the purposes of airport land use compatibility alone.

Recommendation: TDR is not recommended for this NCP.

9.2.4 Real Estate Disclosure

Real estate disclosure regulations are intended to ensure that prospective buyers of property are informed that the property is or will be exposed to potentially disruptive aircraft noise.

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Several states have included requirements for disclosure of noise disturbance. Examples from Alaska, California, Hawaii, and North Carolina are included in **Appendix K**. In the Alaska example, disclosure of noise disturbance is clearly recorded in item 30. California requires the disclosure of neighborhood noise problems, as indicated in item C.11 of the sample Real Estate Transfer Disclosure Statement. Hawaii statute requires disclosure when residential property lies within the boundaries of the NEMs. North Carolina requires disclosure of notice from any governmental agency affecting the property. The Raleigh Durham Airport Authority notified property owners, which made them subject to the “Residential Property Disclosure Act.”

The Louisiana Real Estate Commission (LREC) Seller’s Disclosure of Property Condition could be amended to add disclosure of potential noise disturbance or proximity to an airport, or an addendum similar to the Disclosure of information on Lead-Based Paint, could be prepared.

The LAC should work with the LREC to adopt disclosure requirements related to aircraft noise exposure. A list of the commission members is included in **Appendix K**.

Recommendation: Work with the LREC to gain approval of as addendum to or modification of the Seller’s Disclosure of Property Condition to include locations within the boundaries of an Airport Development Zone Overlay and within the existing Airport Height Control Area.

9.2.5 Acquisition of Full or Partial Interest

There are often locations or circumstances within the noise impact areas that leave little choice other than direct acquisition of full or partial interest in the impacted land to prevent the introduction of additional noncompatible development. The land could be resold with covenants or easements retained to assure long-term compatibility.

Acquisition of easements as a remedial measure for obtaining compatible land use is discussed in **Section 9.3.3**. Easements can also serve as a preventive measure if they are acquired prior to the existence of noncompatible uses.

FAA policy states that vacant properties are considered compatible land uses. As described in FAA Order 5100.38C, *Airport Improvement Program (AIP) Handbook*, Paragraph 811.d., acquisition of compatible land is eligible only if noncompatible development is highly likely, local controls are inadequate to prevent that development, and the FAA has approved the acquisition in an approved NCP (i.e., in the Record of Approval).

Currently, noncompatible development is highly likely on the vacant land at the approach end of Runway 4. The area currently has 65 vacant residential parcels. Therefore, there is a need to acquire full or partial interest in this vacant land to prevent noncompatible development. The location of these vacant residential parcels is shown in **Exhibit 9.2**.

Acquisition of full interest (i.e., fee simple acquisition) or partial interest (i.e., avigation easement) for these vacant residential parcels should be eligible for funding through the AIP. **Table 9.1** provides the detailed costs for the 65 parcels. For the purpose of this cost estimate, market values will be obtained from the Lafayette Parish Assessor’s office. Administrative costs for fee simple acquisition, including appraisal costs, boundary survey, environmental site assessment, etc. were estimated at \$20,000 per parcel. The nominal value of an avigation easement was estimated at \$3,000 per vacant residential

parcel. Administrative costs for avigation easement acquisition, including appraisal costs, abstract and title review, legal document review, recording costs, etc. were estimated at \$5,000 per parcel. For the purpose of estimating maximum potential costs, all 65 parcels are included in the calculations in **Table 9.1**. If this measure is recommended, prior to implementation, it will be necessary to conduct an Avigation Easement Valuation Study to determine the value of an avigation easement in the vicinity of LFT.

TABLE 9.1
COST ESTIMATE FOR ACQUISITION OF FULL OR PARTIAL INTEREST

Acquisition Type	# of Parcels	Market Value	Administrative	TOTAL
Full Interest (Fee Simple Acquisition)	65	\$2,438,838	\$1,300,000	\$3,738,838
Partial Interest (Acquisition of Avigation Easement)	65	\$195,000.00	\$325,000	\$520,000

Sources: URS, 2012.

Recommendation: There are currently no ordinances in place to limit development of vacant properties within the DNL 65 dB noise contour; therefore, acquisition of partial interest (i.e., avigation easements) for vacant residential parcels is recommended for this NCP.

9.3 Remedial Land Use Actions

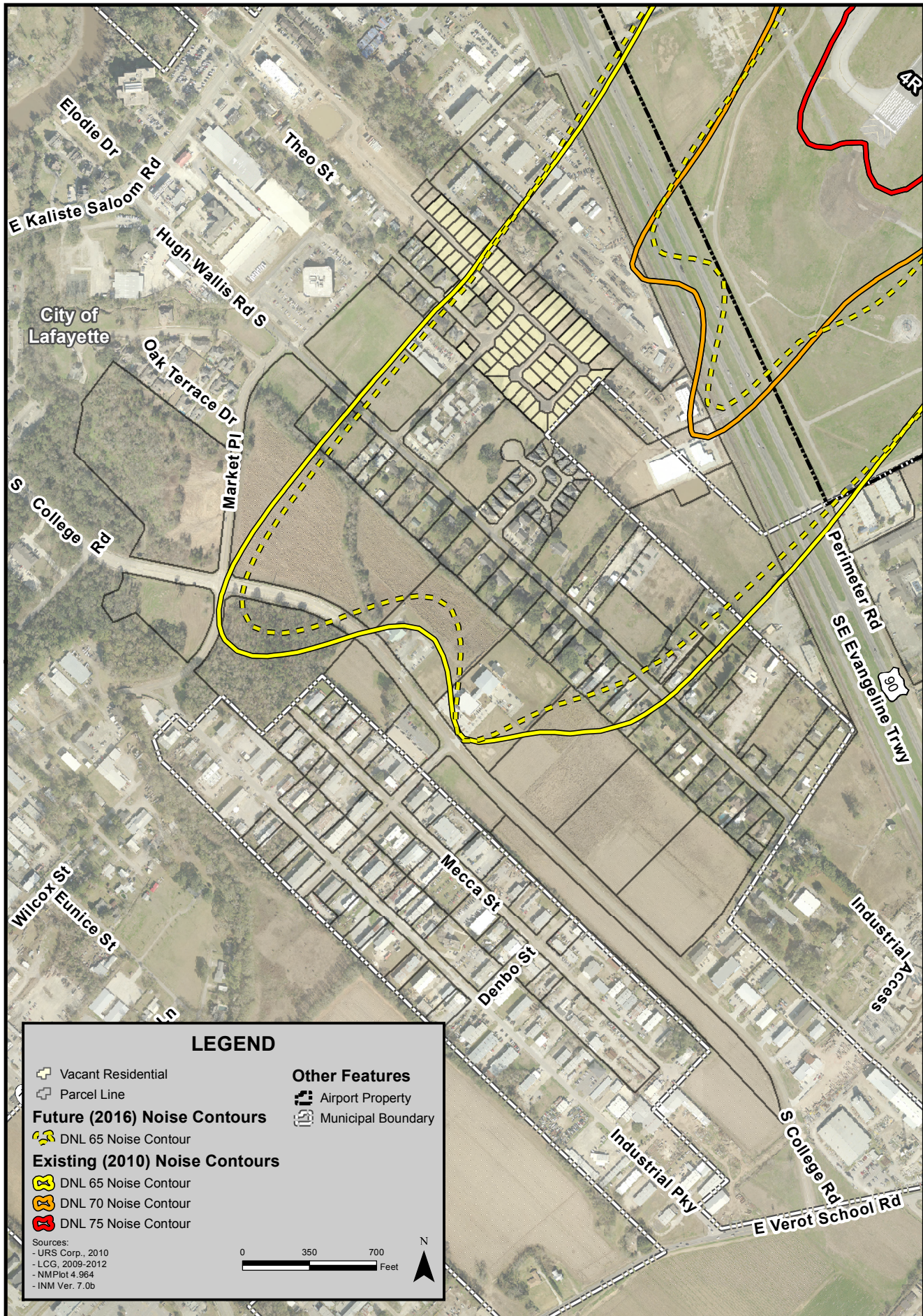
The remedial land use actions discussed in this section will address existing noncompatible land uses within the DNL 65 and above dB noise contour of the 2016 Future Condition NEM, as well as parcels contiguous to the project area necessary to achieve equity in the neighborhood. Parcels that are recommended for inclusion in the NCP will hereafter be referred to as the Program Area. The Program Area is shown in **Exhibit 9.3**.

There are four main types of remedial land use actions that the LCG and the LAC could pursue in the vicinity of LFT:

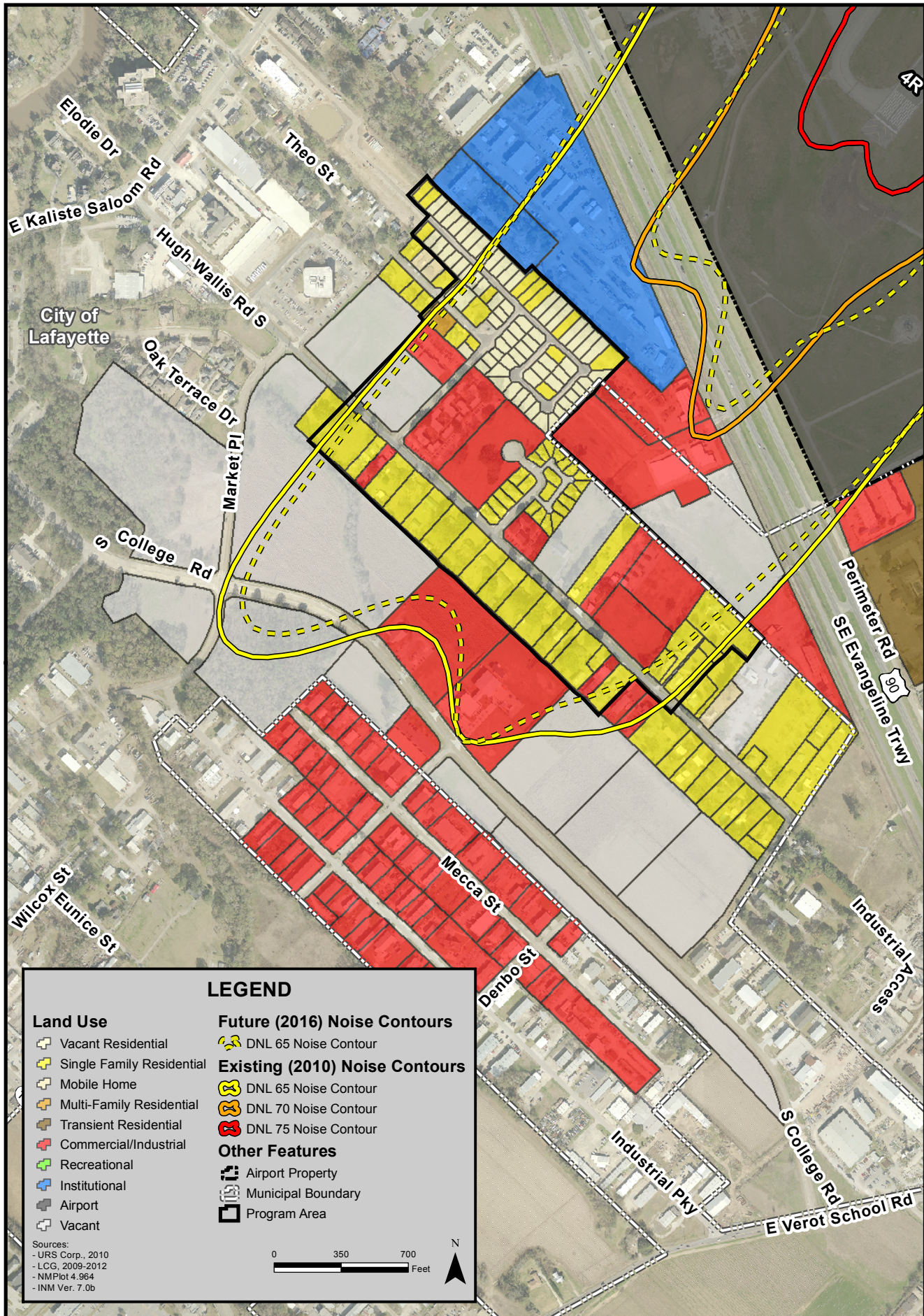
- Land acquisition to change the land use,
- Land acquisition without change to land use,
- Acquisition of Avigation Easements, and
- Installation of noise insulation materials in residential structures and other noncompatible noise-sensitive structures.

For homes located in the Program Area, these remedial actions would be eligible for funding through the AIP. Because the demand for Federal funds exceeds the amount available, a priority system is used to evaluate projects on the basis of standardized criteria. Projects are then ranked according to their national priority to ensure that discretionary funds are used more effectively. Noise compatibility in the DNL 70 to 75 dB noise contour has a higher priority than noise compatibility in the DNL 65 to 70 dB noise contour.

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Exhibit 9.4 shows the developed residential parcels within the Program Area, and includes 124 single-family residential parcels and one multi-family parcel. Three of the single-family residential parcels are mobile homes.

These noncompatible parcels are summarized in **Table 9.2**. A detailed list of these properties is included in **Appendix L**.

TABLE 9.2
PARCELS WITHIN THE PROGRAM AREA

Land Use Type	DNL 65 to 70 dBA	DNL 70 to 75 dBA	DNL 75+ dBA	Total
Single-Family Parcels				
Constructed/Occupied	59	0	0	59
Vacant/Unoccupied	65	0	0	65
Multi-Family Parcels	1	0	0	1
Total	125	0	0	125

Source: URS, 2012.

9.3.1 Land Acquisition to Change Land Use

Acquisition of land for noise compatibility is an option available to the LCG and the LAC. The objective is to convert the land to compatible uses. It is by far the most effective means of achieving land use compatibility. However, purchase of sufficient land area to totally contain the noise impacts in the vicinity of LFT would be costly. In addition to the capital costs of acquiring parcels and relocating residents, there are also intangible costs of community and family disruption. Therefore, land acquisition to change land use should be limited to those areas where other land use actions are not feasible or effective.

A program to acquire land to change the land use requires that displaced residents be provided relocation assistance and payment of their moving expenses, as described in the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (Pub. L. 91-646, as amended) (Uniform Act) and in title 49 CFR part 24. The cost of administrative, appraisal, legal, relocation, moving, and demolition expenses are collectively estimated to add significantly to the cost. This type of program should include all properties within a designated area.

A fee simple acquisition program with relocation assistance for residential parcels located within the DNL 65 dB contour would be eligible for funding through the AIP. **Table 9.3** provides the detailed costs for those parcels within the DNL 65+ dB contour, or included in the Program Area for neighborhood equity. For the purpose of this cost estimate, market values were obtained from the Lafayette Parish Assessor's office. Relocation and moving expenses were estimated at \$25,500 for each occupied residential dwellings. Demolition and clearing was estimated at \$6,000 per dwelling. Administrative costs, including appraisal costs, boundary survey, environmental site assessment, etc. were estimated at \$20,000 per parcel.

TABLE 9.3
COST ESTIMATE FOR FEE SIMPLE ACQUISITION WITH RELOCATION ASSISTANCE

Residence Type	# of Parcels	Market Value	Relocation and Moving	Demolition and Clearing	Administrative	Total
Single-Family	59	\$8,252,353	\$1,504,500	\$354,000	\$1,180,000	\$11,290,853
Multi-Family ¹	1	\$129,400	\$127,500	\$6,000	\$20,000	\$282,900
Total	60	\$8,381,753	\$1,632,000	\$360,000	\$1,200,000	\$11,573,753

¹ Multi-family parcel calculated as five single residences for moving and relocation costs.
Sources: URS, 2012. Lafayette Parish Assessor, 2012.

As indicated in **Table 9.3**, the monetary cost of a fee simple acquisition program would be significant, but if recommended by the Airport Sponsor and approved by the FAA, would be eligible for an estimated 90 percent federal funding. The remaining 10 percent funding would be from airport and other local funding sources.

It is not anticipated that, if offered, all of the residential parcels would choose participation in a Fee Simple Acquisition and Relocation Assistance Program. However, for the purpose of estimating maximum potential costs, all eligible parcels are included in the calculations in **Table 9.3**.

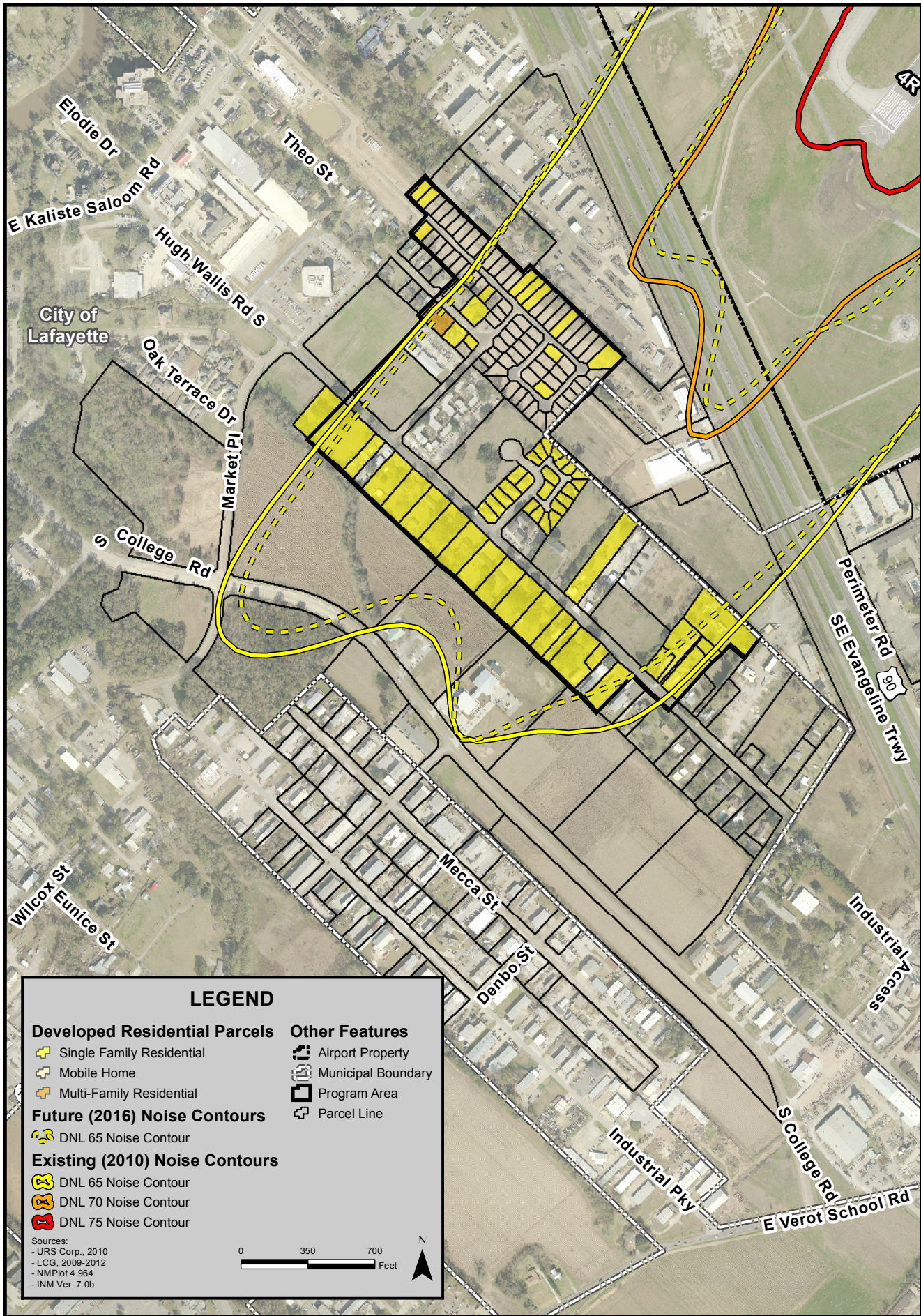
Title 49 U.S.C., Sections 47107(c)(2)(A) and 47107(c)(4) provide that for land purchased under a grant for airport noise compatibility purposes, the airport owner/operator will dispose of the land at fair market value at the earliest practicable time after the land is no longer needed for a noise compatibility purpose or does not have a documented need for airport development. Disposal is defined as lease, sale, or exchange (which includes reclassification of the land as land needed for airport development). Any disposal must assure that the land is re-used compatibly with aircraft noise exposure levels. The proceeds may be reinvested in another approved project at the airport, transferred to another airport for reinvestment in a noise compatibility project at that airport, or returned to the Secretary of Transportation for deposit into the Airport and Airway Trust Fund.

With 65 vacant residential parcels within the LFT NEM contours, the use of fee simple acquisition could be construed as a “taking” of these parcels, which could lead to long term legal and financial issues for all parties involved. Additionally, if some of the homeowners declined participation in the fee simple acquisition, the disposal of acquired properties, as required by the above discussed regulations, would be limited due to noncontiguous property boundaries.

Furthermore, since none of the residential properties abut the airport boundary, the properties could not be used for airport development.

On August 27, 2013, LFT received a petition from the residents of the New Center Commons Phase 2 subdivision to include fee simple acquisition of their properties as a mitigation recommendation for this NCP. Owners of fifteen (15) of the twenty-three (23) residences signed the petition. This petition is provided in **Appendix M** with a property by property cost estimate based on data obtained from the Lafayette Parish Assessor.

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The airport has decided not to offer acquisition to the New Center Commons subdivision as part of the NCP, for the following three (3) primary reasons:

First, while the subdivision is directly under the extended centerline of the runway, they are not the closest to the runway and do not have the highest noise levels. The airport does not want to offer only some of the residences within the DNL 65 dB noise contours acquisition, but as discussed above, offering the Fountain View subdivision acquisition would cause additional problems.

Second, as the NCP mitigation alternatives are offered as voluntary, it is probable that not all residences within the New Center Commons area would participate. Since this is a subdivision of parcels of approximately one-tenth of an acre, converting the acquired property to compatible land uses would have a greater impact on the health and safety of those remaining residents. Additionally, as the parcels individually are most likely not large enough to support compatible land use, it would require bundling the parcels for conversion to compatible land use. As the subdivision is not unanimous in its support of the petition, bundling would be precluded by the remaining residences.

Third, since the New Center Commons subdivision is not adjacent to the airport property, conversion of the land for airport use would not be a possibility.

Recommendation: Land Acquisition to Change Land Use is not recommended for this NCP.

9.3.2 Land Acquisition without Change to Land Use

Purchase assurance/sales assurance/transaction assistance are similar measures available to the LCG and the LAC. The LCG and the LAC would either acquire for resale or help a homeowner with a home sale without changing the existing land use. These measures help homeowners who want to move from the noise-impacted area. Each of these types of measures facilitates a timely market sale of noise-impacted property.

The airport operator must ensure that potential buyers have an appropriate disclosure describing the airport's noise exposure on the property and the intention of the airport operator to retain an easement or similar interest.

Under purchase assurance, a property that fails to sell within a specified time is purchased by the airport operator and then resold for continued residential use. The airport operator purchases the property at the appraised market value "as is" subject to airport noise. Typically, sound insulation is provided and the property is then listed and sold subject to the airport's aviation easement. If the airport operator purchases the property prior to resale, the airport operator must retain an easement. A purchase assurance program requires an extensive property management and sales effort on the part of the airport operator and may be contracted with consultants and/or realtors. Some list price premiums may be desirable to secure the market price on the airport's sale of the property.

Under sales assurance, the appraised market value of the homeowner's residence is guaranteed on a timely market sale, however, the airport does not acquire the property. Should the property sell for less than the appraised value, the selling owner is compensated for the shortfall by the airport operator. Property is appraised at its current market value "as is" subject to airport noise. The property is listed and

sold subject to the airport's avigation easement that is conveyed to the airport operator at the sale of the property.

Transaction assistance generally involves an agreement by the airport operator to pay certain costs associated with the sale of residential property. Allowable costs are generally limited to the real estate sales commission. The property is listed and sold subject to the airport's avigation easement that is conveyed to the airport operator at the sale of the property.

The results of purchase assurance/sales assistance are that:

- The existing occupant is able to sell the property and move away from a noise-impacted area.
- The new occupant acquires the property with full disclosure of the noise environment.
- The airport operator retains an avigation easement over the property to permit continued over flights and their attendant noise.

Purchase assurance/sales assurance/transaction assistance can be applied to residential properties within lightly or short-term noise-impacted areas to help assure that the noise-impacted property may be sold.

The property sale listing and purchase contract should explicitly disclose and acknowledge that the property is within the airport's noise impact area and that the property is encumbered with the avigation easement conveyed before their purchase of the property.

The advantages of purchase assurance/sales assurance/transaction assistance are that they maintain a viable residential neighborhood and are less costly measures than a buy-out and redevelopment to secure compatible land use. The selling owner for purchase assurance/sales assurance/transaction assistance is not considered a "displaced person" and is not eligible for relocation assistance under the Uniform Act.

The purchase assurance/sales assurance/transaction assistance measures may be offered independently or offered in conjunction with a sound insulation program and/or an easement acquisition program. When these options are offered together, the variety of options may appeal to homeowners that want to move out of the neighborhood, as well as those who prefer to remain.

It is not anticipated that, if offered, all of the residential parcels would choose participation in a Purchase Assurance/Sales Assurance/Transaction Assistance Program. However, for the purpose of estimating maximum potential costs, all eligible parcels are included in the calculations in **Table 9.4**.

Since Purchase Assurance does not reduce interior noise levels, the Lafayette Airport Commission chose not to recommend this land use mitigation alternative for the NCP.

Recommendation: Purchase Assurance/Sales Assurance/Transaction Assistance is not recommended for this NCP.

TABLE 9.4
COST ESTIMATE FOR PURCHASE ASSURANCE/SALES ASSURANCE/
TRANSACTION ASSISTANCE

Residence Type	# of Parcels	Market Value	Administrative	Total¹
Single-Family	59	\$8,252,353	\$1,180,000	\$9,432,353
Multi-Family	1	\$129,400	\$20,000	\$149,400
Total	60	\$8,381,753	\$1,200,000	\$9,581,753

¹ A total cannot be estimated until a program (Purchase Assurance, Sales Assurance, or Transaction Assistance) is selected.

Sources: URS, 2012. Lafayette Parish Assessor, 2012.

9.3.3 Acoustical Treatment of Noncompatible Structures

Installation of noise insulation materials usually involves reducing aircraft noise levels inside noise-sensitive structures by decreasing the paths by which sound enters a building. Basic noise insulation methods include replacement of windows and doors, sealing and weather stripping openings, adding thermal insulation in the attic, installing acoustic baffling in vents, and installing acoustically-treated ceiling and wall panels. Usually, these types of modifications have the added benefit of conserving air conditioning and heating. Eligible structures include residences, schools, churches, hospitals, and other buildings located within the DNL 65 dB contour and identified in the NCP as noncompatible. Normally, unless extenuating circumstances dictate, noise insulation should not be considered for structures within a DNL 75 dB or greater noise contour since it is preferable to change the land use.

The purpose of noise insulation projects is to reduce the adverse impact of airport-related noise on building occupants or residents. Noise insulation reduces the interference of aircraft noise with household activities such as sleeping, talking on the telephone, and watching television, but it does not alter noise impacts outside the home.

Noise insulation projects are not intended to improve the comfort or attractiveness of a building, although these benefits may result indirectly from the project. Because noise insulation is a capital improvement that is likely to increase the value of property, the airport should work with local jurisdictions to develop an agreement to preclude increases in the property's assessed value, so the homeowner's property taxes will not rise as a result of the project.

An avigation easement or similar interest should be reserved by the LCG and the LAC as a condition of participation in a noise insulation program. To ensure easement rights remain enforceable, a mortgage holder's interest in the property should be subordinated to the easement's rights. Subordination assures the easement rights will survive a foreclosure action and mortgages or trustee sale of the fee interest.

For residences located in areas where exterior noise exposure is DNL 65 dB, the requisite NLR provided by the structure should be at least 20 dB in major habitable rooms. The requisite NLR should be increased to commensurate with any increase in exterior DNL above 65 dB. The design objective in a residential noise insulation project should be to achieve the requisite NLR when the project is completed. (This is mathematically equivalent to achieving a DNL of 45 dB in all habitable rooms.) The project design should be based on exterior DNL and existing NLR in the structure.

Since it takes an improvement of at least 5 dB in NLR to be perceptible to the average person, any residential noise insulation project must be designed to provide at least that increase in NLR. For example, a residence located in an area where the DNL is 73 dB has an existing NLR of 26 dB. The requisite NLR in that area is 28 dB (73-45). However, to meet the requirement for increasing the NLR by not less than 5 dB, a noise insulation project for that residence should result in NLR of 31 dB (26+5). A residence located in an area where the DNL is 67 dB has an existing NLR of 16 dB. The requisite NLR in that area is 22 dB (67-45). Therefore, the noise insulation project should be designed to increase the NLR by 6 dB (22-16). Because of the variety of construction types in the area, individual acoustical testing of residences may be required to establish existing NLR, to determine eligibility.

An acoustical treatment program for residential dwellings with an existing interior noise level of greater than DNL 45 dB located within the Program Area would be eligible for funding through the AIP. Mobile homes are not eligible for acoustical treatment. A detailed cost estimate is provided in **Table 9.5**. For the purpose of this cost estimate, design costs were estimated at \$12,000 per residential dwelling, construction costs were estimated at \$50,000 per dwelling, and construction oversight was estimated at \$8,000 per dwelling.

TABLE 9.5
COST ESTIMATE FOR ACOUSTICAL TREATMENT

Residence Type	# of Parcels	Design Cost	Construction Cost	Construction Oversight Cost	Total
Single-Family	59	\$708,000	\$2,950,000	\$472,000	\$4,130,000
Multi-Family ¹	5	\$60,000	\$250,000	\$40,000	\$350,000
Total	64	\$768,000	\$3,200,000	\$512,000	\$4,480,000

¹ This represents Housing units, not parcels.
Source: URS, 2012.

In August 2012, the FAA issued Program Guidance Letter (PGL) 12-09 emphasizing the two-step requirement for eligibility in FAA noise insulation projects; a copy is provided in **Appendix N**. This PGL indicates that in addition to the noise sensitive site being within the DNL 65dB contour to be eligible for a noise insulation program, the structure must have an interior noise level greater than DNL 45 dB. This is determined by sampling and testing the residences and other noise sensitive structures within the DNL 65 dB contour.

Under the standards implemented in the Part 150 Guidelines and further defined in the FAA's PGL 12-09, the newer residential structures within the DNL 65 dB noise contour would most likely already meet the required outdoor-to-indoor noise level reduction and would be deemed ineligible to participate. Furthermore, the cost of the noise insulation program is significant, and the required testing to determine eligibility also induces a significant cost while eliminating many homes from eligibility. Therefore, the Lafayette Airport Commission chose not to recommend Acoustical Treatment of Noncompatible Structures as a mitigation alternative in this NCP.

Recommendation: Acoustical Treatment for existing single-family and multi-family residences having an interior noise level greater than DNL 45 dB is not recommended for this NCP.

9.3.4 Purchase of Avigation Easements

An easement is an interest in a property by another, in which the holder of the easement is allowed a specific limited use of that property. The interest in the land is recorded with the property deed and transfers from owner to owner. There are many different types of easements; however, for the purpose of the study, only avigation easements acquired as a noise compatibility measure will be evaluated. An avigation easement provides the airport operator the right-of-flight of aircraft at any altitude above the acquired imaginary surfaces and the right to create noise, vibrations, dust, fumes, etc. without incurring any liability. It also prohibits the erection or growth of all objects above the acquired imaginary surfaces. Airport imaginary surfaces are established with relation to the airport and each runway. The size of such imaginary surfaces is based on the category of each runway according to the type of approach available or planned for that runway. The criteria for imaginary surfaces are described in Title 14 CFR part 77, *Objects Affecting Navigation Airspace*. The provider of an avigation easement has given up the right to sue for noise or nuisance damages associated with the normal operation of aircraft to and from an airport.

It may be appropriate for an airport to purchase avigation easements where residents do not wish to relocate, installation of noise insulation materials is not feasible or desirable, or resale potential for homes in the area is questionable. Avigation easements provide the airport with a limited form of control on surrounding properties, while maintaining neighborhood character and stability. To ensure easement rights remain enforceable, a mortgage holder's interest in the property should be subordinated to the easement's rights. Subordination assures the easement rights will survive a foreclosure action and mortgagee or trustee sale of the fee interest. After selling an easement to the airport, homeowners can still sell their homes; however, potential buyers must be provided with an appropriate disclosure statement that describes the airport noise exposure on the property and the airport's avigation rights in the form of the recorded perpetual easement.

Acquisition of easements does not reduce the noise impacts on people or by and of itself change noncompatible land uses to compatible land uses. Nonetheless, purchase of an easement provides fair disclosure and constitutes a suitable compatibility measure according to Federal guidelines.

Avigation easements are significantly less expensive to acquire than full fee-simple interest, but valuation of the avigation easement is a very difficult task. Outright purchase of an avigation easement requires an appraisal of the market value of the easement proposed to be acquired for noise compatibility. The FAA requires that the "Before and After" method be used to appraise the fair market value of a proposed avigation easement. Avigation easements to be acquired for a NCP would consider the existing noise impact, as indicated by the "2016 Future Condition" noise contour in which the participating property is located. The existing noise impact is not an influence on the NCP and is properly considered in the before condition appraisal. Therefore, comparable sales to value the before condition would be selected from the same noise contour as the property being appraised. The appraiser must then reconsider the marketability of the property following the imposition of easement. For Part 150 noise projects, the appropriate factor to be isolated for analysis is the effect on property value due to imposition of an easement on a property owner's title, and not the pre-existing effects of airport proximity and noise

exposure. If this measure is recommended, prior to implementation, it will likely be necessary to conduct an Avigation Easement Valuation Study to determine the value of an Avigation Easement in the vicinity of LFT. The cost of conducting an Avigation Easement Valuation Study is estimated at \$50,000.

An Avigation Easement acquisition program for residential dwellings located within the DNL 65 dB contour would be eligible for funding through the AIP. A detailed cost estimate is provided in **Table 9.6**. For the purpose of this cost estimate, the nominal value of an avigation easement was estimated at \$10,000 per residential parcel. Administrative costs, including appraisal costs, abstract and title review, legal document review, recording costs, etc. were estimated at \$5,000 per parcel.

TABLE 9.6
COST ESTIMATE FOR ACQUISITION OF AVIGATION EASEMENTS

Residence Type	# of Parcels	Avigation Easement Cost	Administrative Cost	Total
Single-Family	59	\$590,000	\$295,000	\$885,000
Multi-Family	1	\$10,000	\$5,000	\$15,000
Total	60	\$600,000	\$300,000	\$900,000

Source: URS, 2012.

Recommendation: Acquiring Avigation Easements for properties within the Program Area is recommended for this NCP.

9.4 Summary

This section presented a variety of operational alternatives for consideration at LFT. **Table 9.7** summarizes the alternatives, describes advantages and disadvantages of each, and indicates which alternatives are recommended for inclusion in the NCP.

The following measures were recommended for inclusion in the NCP:

- Work with local governments to develop appropriate zoning and land use planning rules;
- Work with local governments to develop noise overlay zone and NLR specific building codes;
- Work with LREC to modify Seller's Disclosure form to include Airport Height Control and/or Noise Control Overlay; and
- Acquire partial interest (i.e. avigation easements) in vacant residential properties within the Program Area.

TABLE 9.7
SUMMARY OF LAND USE NOISE MITIGATION ALTERNATIVES CONSIDERED

Land Use Noise Mitigation Alternatives	Advantages	Disadvantages	Recommended For NCP
Establish compatible land use zoning	✓Discourages future noncompatible development	✓Requires cooperation of local jurisdiction(s)	Yes
Establish building code regulations	✓Discourages future noncompatible development	✓Requires cooperation of local jurisdiction(s)	Yes
Offer transfer of development rights	✓Lower cost than acquisition of full interest	✓Limited available land	No
Modify Real Estate Disclosure	✓Ensures that prospective buyers are fully informed of possible noise exposure	✓Requires cooperation of State Real Estate Commission	Yes
Acquire vacant residential parcels to prevent noncompatible development	✓Prevents future noncompatible development	✓High capital cost	No
Acquire land to change land use	✓Eliminates noncompatible land uses	✓High capital cost; ✓Disrupts neighborhoods	No
Offer purchase assurance/sales assurance/transaction assistance	✓Reimburses certain expenses to those who want to move away from the airport; ✓Airport never takes title; ✓Provides compatibility through easement	✓Homeowner maintains burden of selling home; ✓Does not reduce interior noise levels	No
Offer to purchase avigation easements	✓Provides monetary value to homeowners who want to remain in neighborhood; ✓Provides compatibility through easement for both developed and undeveloped parcels	✓Does not reduce interior noise level; ✓Easement value difficult to establish	Yes
Offer acoustical treatment of eligible residential structures	✓Reduces interior noise levels; ✓Provides compatibility through easement	✓High Capital cost; ✓Only effective with windows closed; ✓Does not reduce exterior noise levels	No

Source: URS, 2012.

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SECTION 10.0

RECOMMENDED NOISE COMPATIBILITY PROGRAM

10.1 *Introduction*

The objective of this recent noise compatibility planning process for LFT is to improve the compatibility between aircraft operations and noise-sensitive land uses, while allowing the airport to continue to serve its role in the community. The result of this planning process is a NEM and a recommended NCP. Specific recommended NCP elements are summarized in this section. These recommendations are those of the LAC, not those of their consultant or any third party.

The existing and future NEMs were made available for public review and comment at a community meeting held during the course of the study (see **Appendix E**). During this meeting, the public was invited to share their views and opinions on the NEMs, NCP, and all aspects of the study process.

Several operational and land use alternatives were evaluated by the study team for their potential effectiveness at LFT. In accordance with Part 150 §B150.7, noise control alternatives must be considered and presented for which the airport operator has adequate implementation authority, for which the implementation authority is vested in a local governing body, and for which authority is vested in the FAA or other Federal agency. The airport is managed by LAC. The City of Lafayette, Lafayette Parish, and St. Martin Parish are the local governing bodies having jurisdiction over property directly surrounding the airport. These local governmental bodies do not have any building restrictions or zoning restrictions pertaining to the operation of the airport.

Section 10.2 details the recommendations for which the LAC is seeking FAA approval under the Part 150 Study process. **Section 10.3** lists measures that the LCG and the LAC has vested authority to implement. The LAC is not seeking FAA approval for measures listed in **Section 10.3**.

10.2 *Measures Recommended for FAA Approval*

The following summarizes the program elements for which authority is vested in the FAA. Therefore, the LAC is requesting FAA approval of the following elements:

10.2.1 *Preventative Land Use Mitigation Measure: Acquire Partial Interest*

It is recommended that vacant residential parcels located within the Program Area be offered the opportunity to participate in the Avigation Easement Acquisition Program, as described in **Section 9.2.5**. This program will offer to purchase an avigation easement from owners of vacant residential parcels, shown on **Exhibit 10.1**.

10.2.2 *Remedial Land Use Mitigation Measure: Avigation Easement Acquisition Program*

It is recommended that all eligible parcels be offered the opportunity to participate in the Avigation Easement Acquisition Program, as described in **Section 9.3.4**. This program will offer to purchase an Avigation Easement from owners of residential dwellings located in the Program Area, also shown on **Exhibit 10.2**.

10.3 Measures Implemented by Local Governing Bodies

The following subsections summarize the program elements for which the LCG or the LAC has adequate implementation authority. These measures are listed as part of the overall LFT NCP; however, the LAC, as operator of the airport, is not seeking FAA approval for measures listed in this section.

10.3.1 Zoning

The Airport Development Zone shall be developed to reflect the future noise contours developed for this Part 150 Study. The LCG shall modify their zoning to include an Airport Overlay District that would provide airport zoning to regulate the land uses in the vicinity of the airport.

10.3.2 Building Code Amendment

The LCG building code requirements will be modified to require sound attenuation measures be incorporated in the design and construction of residential dwelling units within the DNL 65+ dB contour of LFT.

10.3.3 Real Estate Disclosure

The LAC will work with the LREC to gain approval of an addendum to or modification of the *Seller's Disclosure of Property Condition* to include location within the boundaries of the Airport Development Zone and Height Control Area.

10.3.4 Aircraft Noise Abatement Procedures

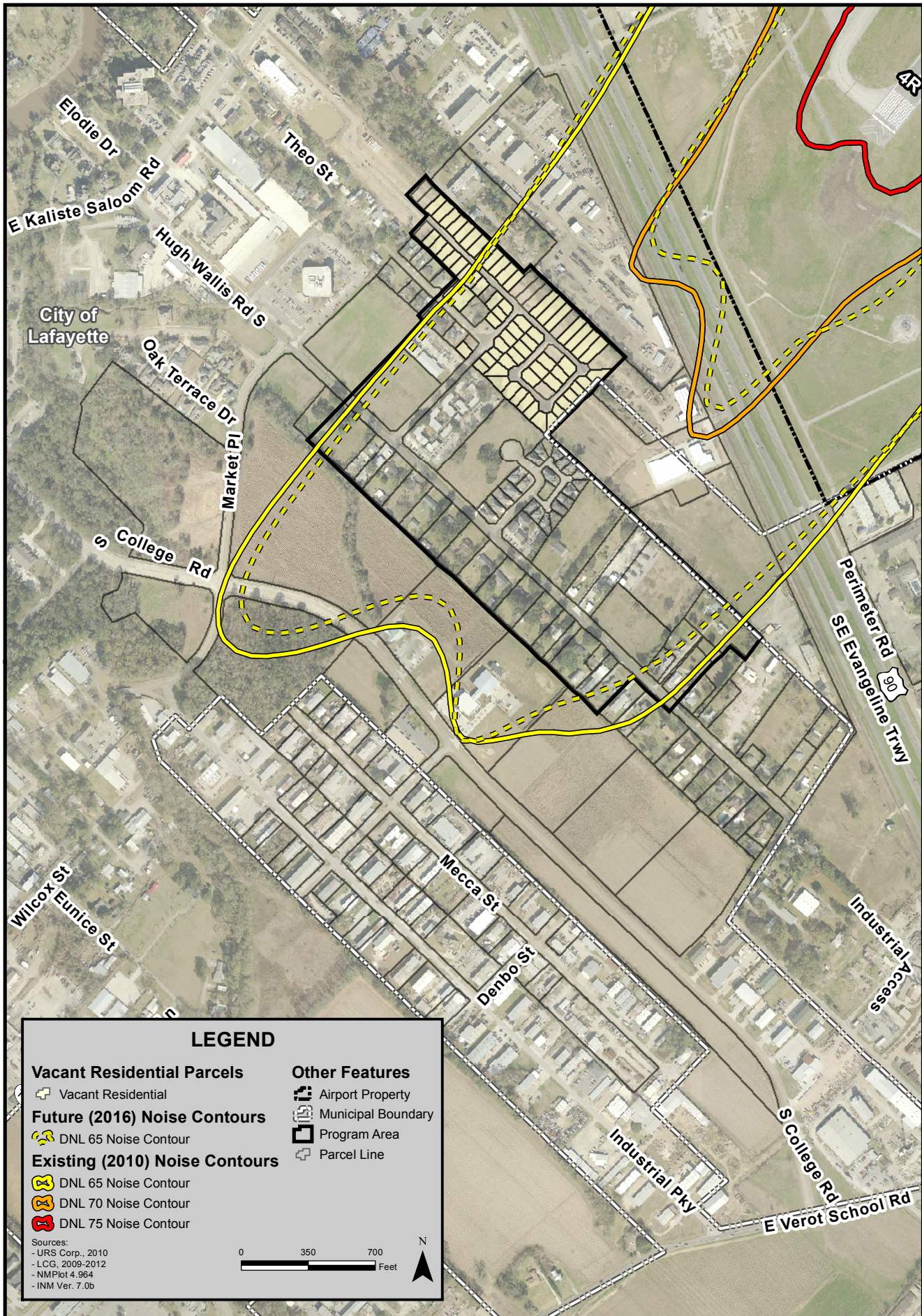
The LAC will work with the Airport Traffic Control Tower (ATCT) and the users of the airport to implement voluntary use of proscribed noise abatement arrival and departure procedures, particularly when arriving to Runway 04L/R or departing from Runway 22L/R.

10.4 Implementation Plan

Primary responsibility for implementation of the recommended measures in Sections 10.3.1 and 10.3.2 above rests with LCG. The LAC will assume responsibility for the implementation of the measures recommended in Sections 10.3.3 and 10.3.4. **Table 10.1** shows the implementation responsibility and estimated cost of each recommended measure. It is anticipated that the FAA will play an important and substantial role in the implementation of remedial land use mitigation.

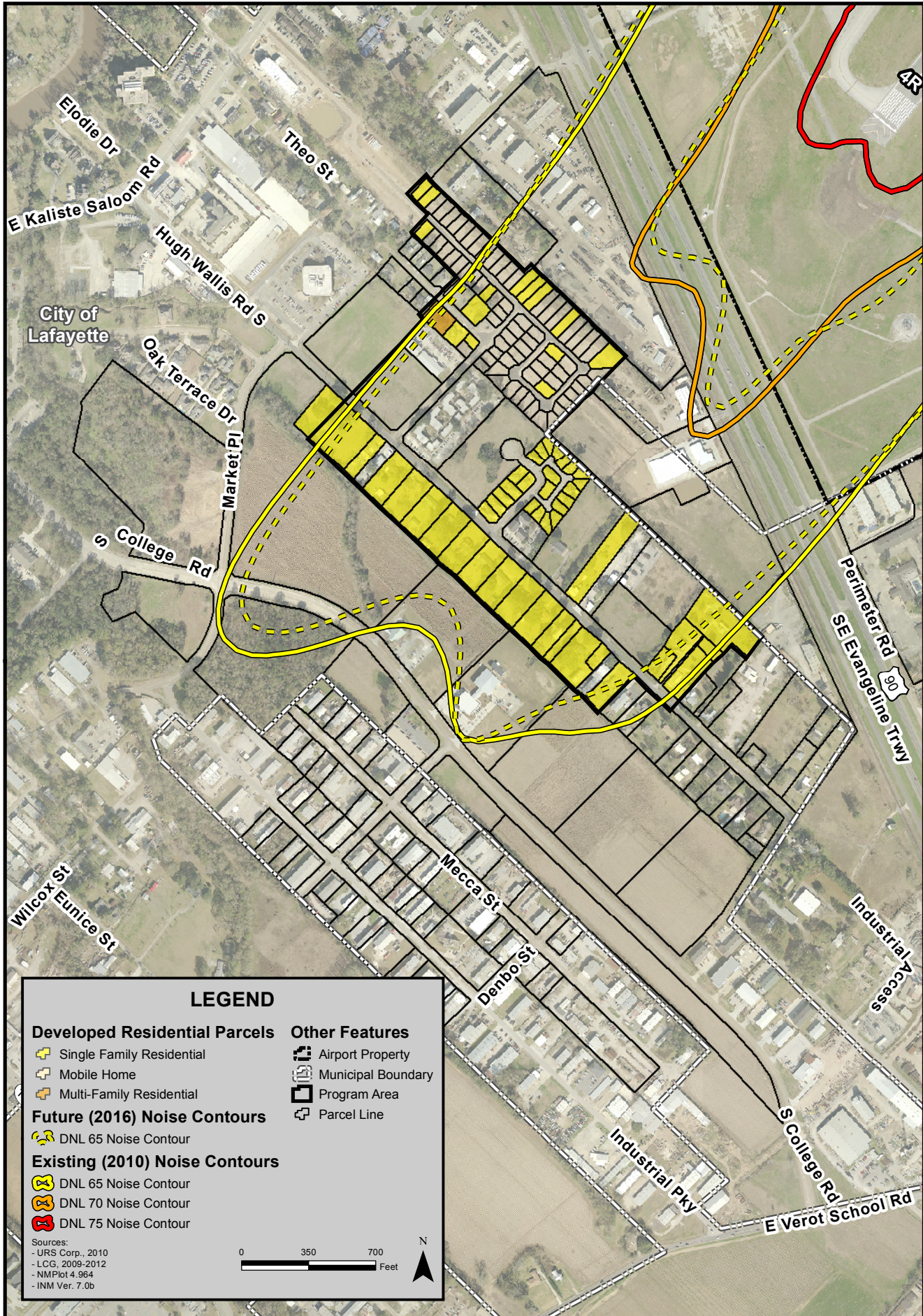
The Lafayette Airport Commission intends to fund the implementation of grant-eligible NCP recommendations through the utilization of Federal funding through the noise set-aside portion of the AIP. However, the FAA's approval of the NCP recommendations does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered under the program are eligible for grant-in-aid funding from the FAA under the *Airport and Airway Improvement Act of 1982*. As a result, implementation of the recommendations will progress as funding becomes available.

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**TABLE 10.1
SUMMARY OF RECOMMENDED NCP**

Description of Measures	Estimated Cost	Benefit or Cost	Timing	Responsibility	Potential Funding Sources
OPERATIONAL NOISE ABATEMENT MEASURES					
Encourage use of proscribed noise abatement arrival and departure procedures.	Administrative	May reduce exterior noise levels	2012-2013	LAC and the LFT ATCT	Local Operating Budget
LAND USE NOISE MITIGATION MEASURES					
Offer to purchase Avigation Easements from owners of vacant residential parcels located within the Program Area.	\$520,000	Achieves noise compatibility	2012-2017	LCG/LAC	FAA AIP Grant Funds
Offer to purchase Avigation Easements from owners of dwellings within the Program Area.	\$900,000	Provides compensation for noise compatibility	2012-2017	LCG/LAC	FAA AIP Grant Funds
The Airport Development Zone to be developed to reflect 2016 Future Condition Noise Contours.	Administrative	Achieves noise compatibility	2012-2013	LAC	Local Operating Budget
Building code amendments for residential land within the DNL 65+ dB contour at LFT.	Administrative	Reduces interior noise levels and achieves noise compatibility	2012-2013	LCG/LAC	Local Operating Budget
Work with the LREC to gain approval of an addendum to or modification of the <i>Seller's Disclosure of Property Condition</i> to include location within the boundaries of the Airport Development Zone.	Administrative	Provides fair disclosure to potential buyers.	2012-2013	LCG/LAC	Local Operating Budget

Source: URS, 2012

Because the demand for Federal funds exceeds the amount available, a priority system is used by FAA to evaluate projects on the basis of standardized criteria. Projects are then ranked according to their national priority to ensure that discretionary funds are used more effectively. For example, noise compatibility in the DNL 70 to 75 dB noise contour has a higher priority than noise compatibility in the DNL 65 to 70 dB noise contour.

Table 10.2 lists the number of parcels and anticipated cost for the Avigation Easement Acquisition Program, if all eligible parcels within the Program Area participated in that program.

10.5 Program Revision

Title 14 CFR part 150 §150.21(d) indicates that if any change in the operation of LFT would create any “substantial, new noncompatible use” in any area depicted on the map beyond that which is forecast for the 2016 Future Condition, the airport shall promptly prepare and submit a revised NEM. Title 14 CFR part 150 §150.21(d) (2) indicates that if any change in the operation of LFT would significantly reduce noise over existing noncompatible uses that is not reflected in either the existing conditions or forecast NEM, the airport shall promptly prepare and submit a revised NEM. If a revision to the NEM becomes necessary for either of these reasons, the NCP will be revised accordingly.

**TABLE 10.2
COST ESTIMATE FOR AVIGATION EASEMENT ACQUISITION PROGRAM**

Residence Type	# of Parcels	Avigation Easement Cost	Administrative Cost	Total
Single-Family	59	\$590,000	\$295,000	\$885,000
Multi-Family	1	\$10,000	\$5,000	\$15,000
Vacant Residential	65	\$195,000	\$325,000	\$520,000
Total	125	\$795,000	\$625,000	\$1,420,000

Source: URS, 2012.

SECTION 11.0

CONSULTATION AND PUBLIC PARTICIPATION

11.1 *Introduction*

Part 150 requires that each NEM and NCP must be developed and prepared in consultation with FAA regional officials, the officials of the state and of any public agencies and planning agencies whose area, or any portion of whose area, of jurisdiction is within the DNL 65 dBA contour depicted on the NEM, and other Federal officials having local responsibility for land uses depicted on the map. This consultation must include regular aeronautical users of the airport, including air carriers and other aircraft operators.

Prior to and during the development of a program, and prior to submission of the resulting draft program to the FAA, the airport operator shall afford adequate opportunity for the active and direct participation of the states; public agencies and planning agencies in the areas surrounding the airport; aeronautical users of the airport; and the general public to submit their views, data, and comments on the formulation and adequacy of that program.

The Lafayette Airport Commission, operator of LFT, certifies that it has afforded interested persons adequate opportunity to submit their views, data, and comments concerning the correctness and adequacy of the draft NCP. Documentation describing the consultation accomplished during the development of the NCP and the opportunities afforded the public to review and comment is included in this section and **Appendix M**.

11.2 *Identification of Consulted Parties*

As specified in Part 150, the preparation of a Part 150 Study requires that certain parties must be identified and consulted during development of the associated NEMs and the overall NCP. Based on this requirement, written and verbal correspondence was initiated and will be continued throughout the study with the following parties to provide input and assistance:

- FAA
- City of Lafayette
- Lafayette Parish
- Airport Operator and Tenants
- Aircraft Operators

11.3 *Technical Advisory Committee*

A Technical Advisory Committee (TAC) was formed to provide input into the Part 150 Study Update. The TAC will provide technical information pertaining to airfield and aircraft operations, land use mitigation strategies, and land use management measures. The TAC is comprised of representatives from various groups including airport users; the FAA; regional planning agencies; the cities surrounding the airport; and representatives of county, state, and Federal agencies. Another role of the TAC is to provide input to the study process and to serve as a conduit for input from community residents. A list of the TAC members is provided in **Table 11.1**.

**TABLE 11.1
TECHNICAL ADVISORY COMMITTEE MEMBERS**

Name	Affiliation
Pat Attaway	Petroleum Helicopters, Inc. (PHI)
Erroll Babineaux	Acadian Ambulance
Michael Bailey	American Eagle
Toby Bean	Bean Resources
Eleanor Buoy	LCG Zoning Director
Justin Barker	FAA, Program Manager
Chris Hampton	FedEx
John Harrison	Fixed Base Operator (FBO)-Odyssey Aviation
Tim Tandy	FAA, Environmental Protection Specialist
Robbie Lafleur	Delta
Red Lerille	Red Lerille
Catherine Meyers	ATCT
Mike Mosing	Frank's Casing Crew
Brent Mouton	Brenton Investments
Jim Parker	LCG Zoning Coordinator
Shannon Senegal	UPS
Bobbi Simon	United
Chuck Vincent	Chuck Vincent
Denise Womack	LCG Division Manager – Planning, Zoning, and Codes

Source: LFT, 2012.

11.4 Lafayette Consolidated Government

The City-Parish Council is comprised of a President and nine Council members. The Council is divided into nine districts, and one Council member is elected from each district. The Mayor is elected by the voters of the Parish at-large. The Mayor presides at Council meetings, and is recognized as the head of the City-Parish Government. A list of the Council Members is presented in **Table 11.2**.

**TABLE 11.2
LAFAYETTE CITY/PARISH COUNCIL MEMBERS**

Name	District
Joey Durel	City-Parish President
Kevin Naquin	District 1
Jay Castille	District 2
Brandon Shelvin	District 3
Kenneth Boudreaux	District 4
Jared Bellard	District 5
Andy Naquin	District 6
Don Bertrand	District 7
Keith Patin	District 8
William Theroit	District 9

Source: LCG, 2012.

11.5 Public Participation

One public workshop was conducted during the course of preparing the NCP, and focused on the operational noise abatement procedures and land use mitigation programs. The public workshop was held on February 26, 2013 from 6:00 p.m. to 8:00 p.m. at the Airport Commission meeting room in Lafayette Regional Airport. Attendance records indicate that six individuals signed in, and one individual provided comments. Copies of the newspaper notices, sign-in sheets, boards, comments, and the airport's responses to the comments are included in **Appendix M**.

A petition was received from the residents of New Center Commons Phase 2 subdivision on August 28, 2013, requesting certain actions on the part of the LAC with regard to the NCP. The LAC's response to the petition is provided in **Section 9.3.1**, and the LAC's response to the specific comments in the petition is provided in the Comment-Response database in **Appendix M**.

In addition to presenting the existing and five-year noise contours, the workshop staff described noise problems that had been identified and included information on potential operational and land use strategies for mitigating these problems. The topics addressed at the individual work stations included assistance to the public in locating individual homes and/or neighborhoods in relationship to the noise contours, historical noise and land use compatibility information, and information regarding recommended land use mitigation programs and areas of eligibility.

The workshop was structured as an open house, with display boards and information posted throughout the meeting room. This format was used to encourage one-on-one discussions between the study team and members of the general public.

A public hearing was conducted in conjunction with the Lafayette Airport Commission meeting for the approval of the **Noise Compatibility Program** on August 14, 2013. The agenda and minutes for the Airport Commission meeting and public hearing for the **Noise Compatibility Program** are included in **Appendix O**. A presentation of the NCP was made by the Lafayette Regional Airport Director of Aviation at the public hearing, three members of the general public spoke in opposition of the NCP while no one spoke in favor. The comments provided by the general public and the LAC's responses to those comments are provided in the Comment-Response database in **Appendix O**. The meeting was well attended and the Commission does not require a sign-in sheet. On May 14, 2014, the Lafayette Airport Commission officially approved the NCP for submittal to the FAA. The agenda and official resolution are included in **Appendix O**.

During the FAA review period, an additional comment letter was received. This letter is provided in Appendix M, and the specific comments with the response from the LAC are provided in the Appendix M Comment-Response database.

11.6 FAA Review and Approval

The Lafayette Airport Commission submitted their Noise Compatibility Program to FAA for review and approval on August 8, 2014. On June 5, 2015, FAA published a notice in the Federal Register (Vol. 80, No. 108) announcing they had started their formal 180-day review of the Noise Compatibility Program

submitted by the Lafayette Airport Commission for Lafayette Regional Airport under the provisions of 49 U.S.C. 47501 et. Seq. (Aviation Safety and Noise Abatement Act) and title 14 CFR part 150. The effective date of the start of FAA's review is May 28, 2015. The public comment period ended July 27, 2015. The transmittal letter to the FAA and the Federal Register Notice are included in **Appendix P**.

The FAA completed its review and determined that the procedural and substantive requirements of the Act and title 14 CFR part 150 had been satisfied. The overall program was approved by FAA effective November 23, 2015.

Outright approval was granted for the two (2) specific elements requiring FAA Approval. No elements were disapproved nor approved in part. The FAA's Record of Approval is included in **Appendix P**. In addition, the FAA published the Noise Compatibility Program Notice, Lafayette Regional Airport, Lafayette, LA, in the Federal Register, Vol. 81, No. 42, on March 3, 2016. The Federal Register Notice is also included in **Appendix P**.

APPENDIX H

NOISE ABATEMENT PROCEDURES

This appendix includes the FAA, the AOPA, and the NBAA recommended Noise Abatement arrival and departure flight procedures.

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Advisory Circular

Subject: **NOISE ABATEMENT DEPARTURE
PROFILES**

Date: 7/22/93
Initiated by: AFS-400

AC No: 91-53A

1. PURPOSE. This advisory circular (AC) describes acceptable criteria for safe noise abatement departure profiles (NADP) for subsonic turbojet-powered airplanes with a maximum certificated gross takeoff weight of more than 75,000 pounds. These procedures provide the user with one means, although not the only means, of establishing acceptable NADP's. These departure profiles are consistent with the airworthiness standards required by the Federal Aviation Regulations (FAR's) Part 25 for type certification and FAR Part 91 for general airplane operations. This AC also provides a technical analysis and description of typical departure profiles that are consistent with the Federal Aviation Administration's (FAA's) safety responsibilities and have the potential to minimize the airplane noise impact on communities surrounding airports.

2. CANCELLATION. AC 91-53, Noise Abatement Departure Profile, dated October 17, 1978, is canceled.

3. RELATED READING MATERIAL.

a. FAR Parts 25, 91, 121, 125, 129, and 135.

b. U.S. Department of Transportation, Federal Aviation Administration Environmental Assessment for AC 91-53A. Copies may be obtained from the Office of Environment and Energy, FAA, 800 Independence Avenue SW., Washington, DC 20591.

c. FAA Analysis of Noise Abatement Departure Procedures for Large Turbojet Airplanes. Copies may be obtained from the Office of Environment and Energy, FAA, 800 Independence Avenue SW., Washington, DC 20591.

d. County of Orange, California, Environmental Impact Report #546. Copies may be obtained from County of Orange, Environmental Management Agency, 12 Civic Center Plaza, P.O. Box 4048, Santa Ana, CA 92701-4048.

4. BACKGROUND.

a. For several years, the FAA has worked to develop and standardize profiles to minimize airplane noise. As part of that commitment, the FAA has worked with airport managers, airplane operators, pilots, special interest groups, and Federal, State, and local agencies in numerous programs for evaluating noise levels in the airport environment. The research considered a variety of departure flight tracks and profiles.

b. From an environmental standpoint, avoiding noise sensitive areas by using preferential noise abatement runways and flight tracks whenever possible can effectively supplement a comprehensive noise abatement program. The FAA believes that using the two NADP's described in this AC for subsonic turbojet-powered airplanes can provide environmental benefits to the airport communities. The profiles outline acceptable criteria for speed, thrust settings, and airplane configurations used in connection with NADP's. These NADP's can be combined with preferential runway selection and flightpath techniques to minimize noise impact.

c. FAA reviews of various airplane vertical NADP's indicate that some intricate NADP's have been developed on an airport specific basis. The management of these intricate profiles could compromise the pilot's attention to interior flight deck details, traffic avoidance, and other safety responsibilities.

5. DEFINITIONS.

a. **NADP.** Noise abatement departure profile.

b. **Close-in Community NADP's.** NADP's for individual airplane types intended to provide noise reduction for noise sensitive areas located in close proximity to the departure end of an airport runway.

c. **Distant Community NADP's.** NADP's for individual airplane types intended to provide noise reduction for all other noise sensitive areas.

d. **AFE.** Above field elevation.

6. **NADP's.** Acceptable criteria have been established for two types of NADP's for each airplane type, as defined for use by each airplane operator. These departure profiles are applicable to all types of subsonic turbojet-powered airplanes over 75,000 pounds gross takeoff weight. The two types of NADP's are the "close-in" and "distant" profiles as described below.

a. **Close-in NADP.**

(1) Initiate thrust cutback at an altitude of no less than 800 feet AFE and prior to initiation of flaps or slats retraction.

(2) The thrust cutback may be made by manual throttle reduction or by approved automatic means. The automatic means may be armed prior to takeoff for cutback at or above 800 feet AFE or may be pilot initiated at or above 800 feet AFE.

(3) For airplanes without an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(4) For airplanes with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, a takeoff path engine-inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at a minimum, restore sufficient thrust to maintain the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(5) During the thrust reduction, coordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay to no more than 5 knots below the all-engine target climb speed and, in no case to less than V_2 for the airplane configuration. For automated throttle systems, acceptable speed tolerances can be found in AC 25-15, Approval of Flight Management Systems in Transport Category Airplanes.

(6) Maintain the speed and thrust criteria as described in subparagraph 6 a(3) through 6 a(5) to 3,000 feet AFE or above, or until the airplane has been fully transitioned to the en route climb configuration (whichever occurs first), then transition to normal en route climb procedures.

b. **Distant NADP.**

(1) Initiate flaps/slats retraction prior to thrust cutback initiation. Thrust cutback is initiated at an altitude no less than 800 feet AFE.

(2) The thrust cutback may be made by manual throttle reduction or by approved automatic means. The automatic means may be armed prior to takeoff for cutback at or above 800 feet AFE or may be pilot initiated at or above 800 feet AFE.

(3) For airplanes without an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(4) For airplanes with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, a takeoff path engine-inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at a minimum, restore sufficient thrust to maintain the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(5) During the thrust reduction, coordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay to no more than 5 knots below the all-engine target climb speed and, in no case to less than V_2 for the airplane configuration. For automated throttle systems, acceptable speed tolerances can be found in AC 25-15, Approval of Flight Management Systems in Transport Category Airplanes.

(6) Maintain the speed and thrust criteria as described in subparagraph 6b(3) through 6b(5) to 3,000 feet AFE or above, or until the airplane has been fully transitioned to the en route climb configuration (whichever occurs first), then transition to normal en route climb procedures.

7. OPERATIONAL GUIDELINES.

a. Each airplane operator may apply the procedures specified in this AC to determine the following for each of its airplane types:

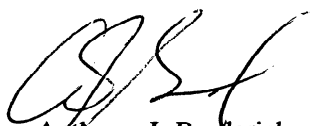
- (1) Close-in community NADP.
- (2) Distant community NADP.

b. For each NADP, the airplane operator should specify the altitude AFE at which thrust reduction from takeoff thrust or airplane configuration change, excluding gear retraction, is initiated.

c. Each airplane operator should limit the number of NADP's for any airplane type to no more than two.

d. Each airplane operator is encouraged to use the appropriate NADP when an airport operator requests its use to abate noise for either a close-in or distant community.

e. This AC should not be construed to affect the responsibilities and authority of the pilot in command for the safe operation of the airplane.



Anthony J. Broderick
Associate Administrator for Regulation and Certification

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NOISE ABATEMENT PROGRAM

NBAA's Noise Abatement Program has been in existence since 1967. The NBAA objectives and operating procedures have withstood the test of time and have been effective in reducing noise exposure for citizens on the ground. The NBAA noise procedures are recommended as a standard for all operations where aircraft manufacturers have not recommended specific procedures. The NBAA procedures are to supplement and be complementary to established noise abatement programs containing procedures and techniques for specific aircraft manufacturers and local airport authorities.

Although the aircraft manufacturers, as a group, have not established specific noise abatement procedures for every aircraft, some individual manufacturers have taken steps in this direction and are to be commended for their initiatives in this area. Business aircraft operators should request noise abatement procedures from the aircraft manufacturers or work with them in developing noise abatement procedures for inclusion in the aircraft manuals. When professional opinion indicates that the procedures and techniques recommended for specific aircraft and local airports are less effective than the NBAA procedures, pilots should contact the manufacturers and airport authorities with specific recommendations for change.

Objectives (#Objectives)

NBAA Noise Abatement Program (#Program)

NBAA Standard Departure Procedure (#Standard)

NBAA Close-In Departure Procedure (#Close-In)

NBAA Approach and Landing Procedure VFR & IFR (#Approach)

Summary (#Summary)

Objectives

The following objectives are established for all noise abatement procedures of the NBAA Noise Abatement Program for jet aircraft:

1. *Safe.* Procedures must not only meet the requirements for known parameters of aircraft performance, they must also provide adequate safety margins so that a prudent, competent pilot will be willing to use them on a repetitive and routine basis under varying conditions.
2. *Standardized.* The same procedures should be applicable to all runways and all airports. For example, the entry point of the second reduced power segment of the NBAA CLOSE-IN DEPARTURE PROCEDURE is expressed as an altitude and not as a geographic fix. Similarly, the terminal point of this procedure is based on an altitude at which return to climb thrust will not create excessive noise. It should not be based purely on local factors such as geographical fixes.
Some NBAA procedures impose an operational penalty which cannot be justified solely by the noise level reduction achieved by each aircraft type. Therefore, it is necessary to make such compromises to achieve standardized procedures which could be used regardless of type and class of aircraft.
3. *Uncomplicated.* Complexity can create misunderstandings, resistance to use and loss of effectiveness. Therefore, the NBAA Noise Abatement Procedures are designed to be easily understood, easy to accept and are applicable to all types and classes of aircraft at all airports.

The NBAA Noise Abatement Program

The NBAA recommended program for reducing the noise impact of turbojet business aircraft has broad implications for all the various communities affected by aircraft/airport operations

Turbojet Business Aircraft Operations

1. Business aircraft operators must accept responsibility for operating their aircraft in such a manner as to reduce the noise impact to the lowest practicable level. Noise abatement procedures should be made part of the routine in operating aircraft in and out of ALL airports.
2. Aircraft operators must also take the initiative and responsibility to obtain all pertinent information on the local noise abatement policies followed at any airport they currently use, or expect to use in the future.
3. Operators should be aware that unnecessary use of reverse thrust when landing can be a source of excessive noise. Therefore, except for eliminating residual thrust, the use of minimum re-verse thrust necessary for safety is recommended, consistent with runway conditions and available length.

Local Communities and Airports

1. The noise abatement procedures recommended by NBAA are suggested as a national standard for business jet aircraft. They may be applied to any noise sensitive airport. Procedures adopted by any locality should, whenever feasible or beneficial, conform to such a national standard to ensure pilot understanding, acceptance and use.
2. NBAA member companies should participate in local airport affairs, particularly those concerning noise abatement procedures. Where necessary, technical assistance can be provided to assist airport management in adopting procedures which meet the objectives of the NBAA Noise Abatement Program as they relate to operational safety. Every effort should be made to tailor procedures to the specifics of each airport in order to provide the maximum noise reduction consistent with safe operational practices and without unduly restricting the flow of air traffic.
3. Communities must be given factual data to demonstrate that airport noise level reductions below those achievable through the procedures described can-not be realistically anticipated with current aircraft and engines.
4. Approach aids of various types can aid noise abatement procedures at an airport. Improvements in approach aids and runway facilities increase the possibilities for aircraft to use specific runways and approach patterns over the least noise-sensitive areas. Optimal employment of visual and electronic approach aids should be investigated by the airport management.
5. Airport approach and takeoff paths should be designated on all official zoning maps. This should be done for all airports, existing or proposed, in order that real estate activity is conducted with full awareness of the confines of such areas. Similarly, the land use permitted in these areas should be specified in zoning regulations and building codes in order to protect inhabitants.
6. Jet aircraft runup areas should be developed but usage limited to normal daylight work hours (M-F), for least noise disturbances to airport tenants and local communities. Blast fences, hush houses, etc., should be provided and used where necessary.
7. Airport management should take a close look at the airport's natural terrain and consider ways in which improvements to landscaping might improve noise conditions around the airport.
8. Airport management should post signs in pilot information centers, as well as at conspicuous places along the taxi-ways or runway areas, giving the pilots a last reminder that they are in a noise-sensitive area calling for use of noise abatement procedures.
9. A mixing of high and low performance general aviation aircraft on the same runway is often the cause for noticeable additional noise. Some problems that can arise from this type of intermixing are:
 - Excessive go-arounds.
 - Extended flight over noise-sensitive areas by aircraft in the high-drag high power-setting configuration (flaps and landing gear extended).
 - Derogation of the pilot's ability to follow noise abatement procedures to the fullest.
 - Excessive holding before take-off.
10. The airport management has the responsibility to look at all possible alternatives to control these types of situations. For example, building a short run-way of 2,500-3,500 feet for the use of low performance aircraft would not only help solve many of the problems listed above, but would also allow the airport management to set up more effective noise abatement procedures.
11. The airport and ATC management should conduct a procedures review to recommend and implement new airport noise awareness programs. Adding a phrase such as "use noise abatement procedures" to all tower takeoff clearances should also be included in the recommendations.

Airframe and Engine Manufacturing

1. The lowest engine noise levels that can be achieved by engine and airframe manufacturers, without imposing excessive operational penalties, should be determined. New aircraft should be designed to remain within the lowest noise limitations. Regulatory noise limitation on manufacturers should be confined to that which can be achieved within the existing state of the art. Any regulatory action should have sufficient flexibility to permit further noise level reductions as they are developed.
2. Power settings that will achieve a specific flight profile for noise abatement purposes should be developed and published in the manufacturer's flight manuals. Maximum gross weights should be used because business jet aircraft generally have limited gross weight flexibility without incurring an unrealistic operational penalty. Weight reduction as a means of achieving noise reduction is not practical for business jet aircraft. A power setting recommended by manufacturers should meet the following minimum safety criteria:
 - Approach and Landing-
 - Sufficient engine RPM to permit rapid acceleration of the operative engine(s) in the event of engine failure.
 - Sufficient engine RPM to permit rapid acceleration of the engine(s) in the event it becomes necessary to abort the approach or landing.
 - Sufficient engine RPM to operate anti-icing equipment.
 - Sufficient engine RPM to operate component equipment.
 - Takeoff-
 - Sufficient engine thrust to provide a sustained rate of climb of 1,000 FPM.

Flight Information and Training

1. Pilot training for turbojet business aircraft should include basic noise abatement procedures in all types of ratings and ATR flight checks.
2. It is important that airport management realize that successful application of each airport's noise abatement procedure depends on the effort that is put into educating the pilots and the controllers. Airport management should consider an

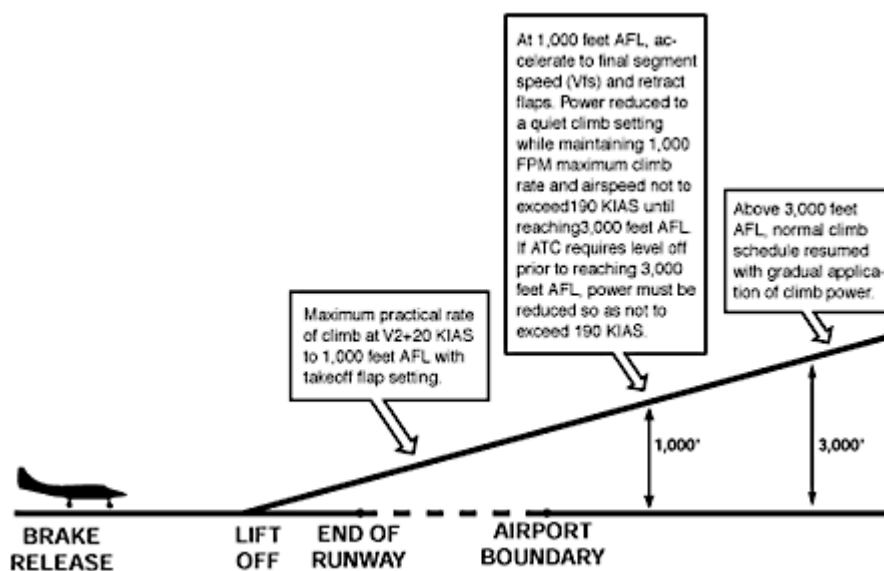
education program to inform pilots and controllers as to the need for and procedures associated with noise abatement and good community relations. A more thorough understanding by the pilots and the controllers as to what the procedures are, as well as the reasons behind them, is the key to success.

3. Specific information should be developed by airport management and made available to pilots and controllers through publication of easily attainable flight manuals, NOTAMS, AIMS, letters to airmen, charts and explanatory pamphlets. This information should include:
 - Approach and departure paths over least noise-sensitive areas.
 - Preferential runway usages.
 - Emphasis on use of NBAA's noise abatement procedure.
 - General map showing surrounding area and marking places of specific sensitivity, such as schools and hospitals.

Air Traffic Control Procedures

1. Preferential runway use systems that are safe and do not unnecessarily restrict the flow of air traffic should be established at all airports having a need for them.
2. Control tower operators should be permitted to give any needed special attention to jet aircraft that may, for purposes of noise abatement, be required to land or takeoff using a different runway than the one in use by smaller aircraft.
3. Control tower operators should develop procedures that will separate high performance aircraft from low performance aircraft as much as possible.
4. The air traffic control procedures should keep aircraft more than 3,000 feet AGL over noise-sensitive areas to the extent that this can be accomplished without excessive derogation of air traffic flow.
5. FM's order 7110.22 recommends high performance aircraft within reasonable operating limits and consistent with noise abatement policies.
 1. Remain at the highest possible altitude as long as possible when arriving
 2. Climb to the requested altitude filed by the pilot as soon as possible after departing.
6. SID's should include references to the use of noise abatement procedures.
7. ATC clearances when issued by control tower operators should include a statement to "use noise abatement procedures."

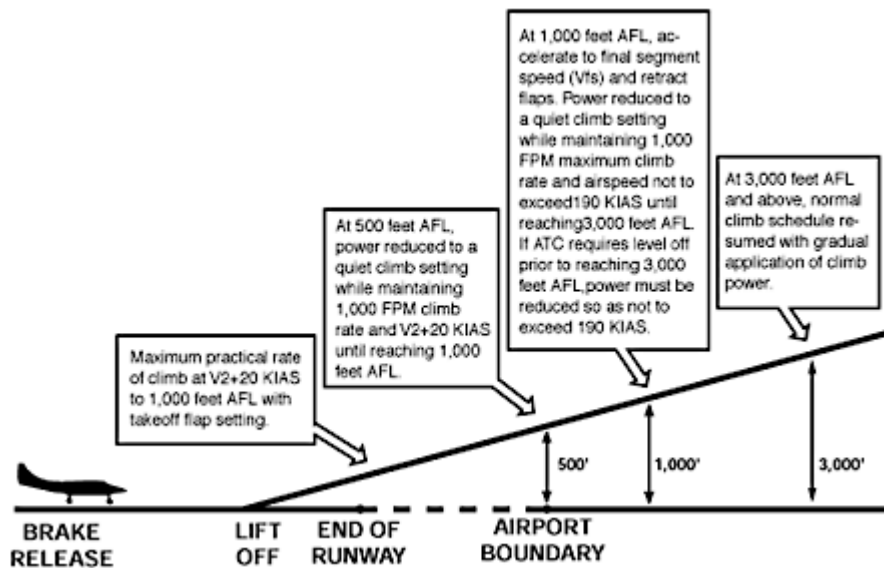
NBAA Standard Departure Procedure



1. Climb at maximum practical rate at V2+20 Knots indicated airspeed (KIAS) to 1,000 feet above field level (AFL) with takeoff flap setting.
2. At 1,000 feet AFL, accelerate to final segment speed (Vfs) and retract flaps. Reduce to a quiet climb power setting while maintaining 1,000 FPM maximum climb rate and airspeed not to exceed 190 KIAS until reaching 3,000 feet AFL. If ATC requires level off prior to reaching 3,000 feet AFL, power must be reduced so as not to exceed 190 KIAS until at or above 3,000 feet AFL. (See note below)
3. At 3,000 feet AFL and above, resume normal climb schedule with gradual application of climb power.
4. Observe all airspeed limitations and ATC instructions.

NOTE: It is recognized that aircraft performance will differ with aircraft type and takeoff conditions; therefore, the business aircraft operator must have the latitude to determine whether takeoff thrust should be reduced prior to, during, or after flap retraction.

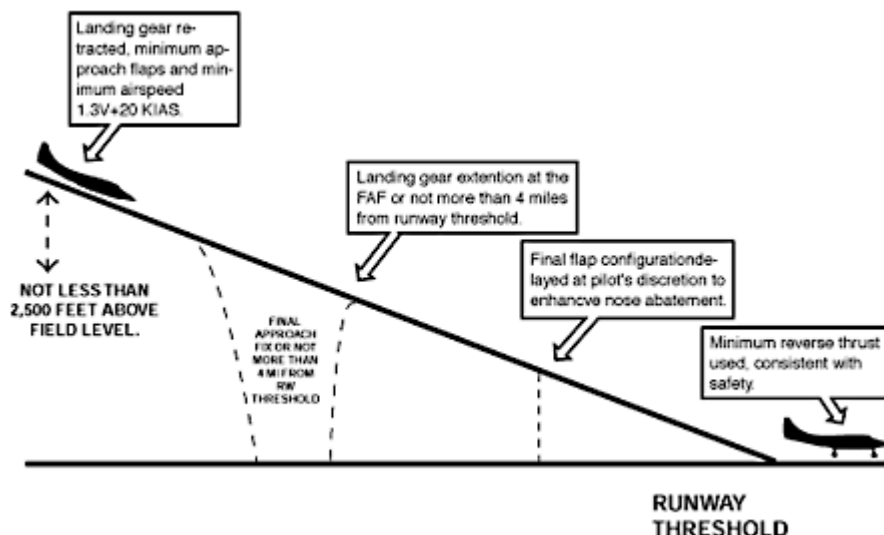
NBAA Close-In Departure Procedure



1. Climb at maximum practical rate at V₂+20 KIAS to 500 feet AFL with takeoff flap setting.
2. At 500 feet AFL, reduce to a quiet climb power setting while maintaining 1,000 FPM maximum climb rate and V₂+20 KIAS until reaching 1,000 feet AFL.
3. At 1,000 feet AFL, accelerate to final segment speed (V_{fs}) and retract flaps. Maintain quiet climb power, 1,000 FPM climb rate and airspeed not to exceed 190 KIAS until reaching 3,000 feet AFL. If ATC requires level off prior to reaching 3,000 feet AFL, power must be reduced so as not to exceed 190 KIAS. (See note below)
4. At 3,000 feet AFL and above, resume normal climb schedule with gradual application of climb power.
5. Observe all airspeed limitations and ATC instructions.

NOTE: It is recognized that aircraft performance will differ with aircraft type and takeoff conditions; therefore, the business aircraft operator must have the latitude to determine whether takeoff thrust should be reduced prior to, during, or after flap retraction. Also, aircraft in excess of 75,000 lbs. GTOW operating under FAR, Part 121, Part 125, or Part 135 may not be permitted to comply with this procedure.

NBAA Approach and Landing Procedure VFR & IFR



1. Inbound flight path should not require more than a 20 degree bank angle to follow noise abatement track.
2. Observe all airspeed limitations and ATC instructions.
3. Initial inbound altitude for noise abatement areas will be a descending path from 2,500 feet AGL or higher. Maintain minimum airspeed (1.3V_s+20 KIAS) with gear retracted and minimum approach flap setting.
4. At the final approach fix (FAF) or not more than 4 miles from runway threshold, extend landing gear. Final landing flap configuration should be delayed at pilot's discretion to enhance noise abatement.
5. During landing, use minimum reverse thrust consistent with safety for runway conditions and available length.

Summary

This publication has been designed to illustrate the need for and the availability of noise abatement procedures for turbojet business aircraft. It is not intended to describe all the various types of noise abatement policies followed by airport and aircraft operators, nor does it pretend to describe the "best" or "only" way to handle the problem of airport noise. However, it is an attempt to develop a generic approach for noise abatement procedures as a partial solution for the airport noise problem. Therefore, the following three points are stressed:

1. Noise abatement policies must be cooperatively developed and understood by aircraft and airport operators, engine and aircraft manufacturers and the local communities if such programs are to be effective.
2. At the time decisions are made to purchase and operate business jet aircraft, the aircraft operators will surely review what is available that would best satisfy their individual needs, but they must also thoroughly review aircraft types for performance characteristics in terms of noise generated and the impact on community noise levels. Many such aircraft have the ability to be flown within reduced noise specifications and business jet aircraft operators are strongly urged to utilize the procedures and techniques that permit them to do so.
3. A system of flight procedures is only one part of a complete noise abatement program. The NBAA's recommended flight procedures can be implemented immediately, and can result in a major reduction in the noise generated by turbojet business aircraft. However, there may be a tendency to use them beyond reasonable expectations as a means of effectively resolving the entire noise reduction issue. This tendency can be self-defeating, particularly if the general public is misled as to the effectiveness of flight procedures as the sole permanent solution to the overall noise problem. Therefore, aircraft operators must continually demonstrate to the general public that there is a genuine concern toward reducing aircraft noise and that the application of NBAA's noise abatement program will serve as a partial aid in this effort by standardizing flight procedures and by providing adequate safety margins.

ADDITIONAL RESOURCES

NBAA Endorses the Stage 4 Noise Standards (<http://www.nbaa.org/ops/environment/quiet-flying/stage4/>)

Updated February 26, 2004

Advisory Circular AC36-1H: Noise Levels for U.S. Certificated and Foreign Aircraft (AC36-1H.pdf)

(895 KB PDF)

Advisory Circular AC36-3H: Estimated Airplane Noise Levels in A-Weighted Decibels
([http://www.airweb.faa.gov/Regulatory and Guidance Library/rqAdvisoryCircular.nsf/0/AEAB4E3E783D2B6086256E3700762A57](http://www.airweb.faa.gov/Regulatory%20and%20Guidance%20Library/rqAdvisoryCircular.nsf/0/AEAB4E3E783D2B6086256E3700762A57))

Noise Levels for Business Jets, Based on Advisory Circular AC36-1H
([NoiseLevelsforBusinessJets.pdf](#))

(47 KB PDF)

Boeing Airport Noise and Emissions Website (<http://www.boeing.com/commercial/noise/list.html>)

Listing of airports around the world with noise and emissions restrictions



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PART 1: Airport Noise

Airport safety, noise, and land use planning go hand in hand. The problem has been, in the past, that most elected officials and airport sponsors just didn't understand this interaction. Even today, many of these decision-makers still don't understand these important issues or their responsibility to the airport and their communities. Many of the problems existing at airports today are the direct result of poor or nonexistent airport land use planning decisions made by elected officials.

Although many who complain about airports cite aircraft noise as disturbing them, the reality of their complaints is often based on fear - if they can hear an airplane, it must be too close to them. If those responsible for administering land use in areas surrounding their airport facility had implemented a long-term approach to responsible land use zoning of areas surrounding the airport, many of the problems experienced by airports and their users simply wouldn't exist in today's world. Responsible land use planning is simply a fair way to protect both the interests of the airport and the community surrounding the airport. Almost every concern a community expressed about an airport relating to noise and safety could be eliminated with responsible land use planning.

Noise: A Matter of Perception

The drone of an airplane overhead may be music to your ears, but for the slumbering non-flier next door, it can be as grating as the gleeful band of trash collectors seeking to finish a day's work between 5 and 6 a.m.

As cities and suburbs have spread, airports and residences have become increasingly wedged together. Saying "the airport was here first" presents an unconvincing argument to homeowners and apartment dwellers who have established their homes a mile from the departure end of a runway. Maybe they knew the airport was there and felt it would be no problem. Others acquired housing ignorant of the nearby airfield. Regardless of who was there first, the airport or the housing development, perceived aircraft noise is a problem that, unless addressed and mitigated, could create an intolerable situation for both the airport and the surrounding community.

Most people can live with airplane noise - particularly the sounds generated at a general aviation airport. Those sounds are less obnoxious than the cacophony of trucks, sirens, construction sites, and motorcycles that one confronts walking down a street.

For some people, the intrusion of airplane sounds into their home, particularly late at night, is a source of irritation that becomes magnified because airplanes are conspicuous, unfamiliar, and perceived by some as unnecessary. In some cases, people may also transfer a subconscious fear of an airplane crash in their neighborhood into anxiety over the airplane's noise.

Those people who find aircraft sounds offensive have been mounting surprisingly effective fights to get at the source of their frustration. Their efforts are leading to bans on jet flights, night closings or "curfews," and restrictions on flight training at airports.

The FAA has set standards for machines that fly, and all users of airspace agree noise standards or limitations should be applied uniformly throughout the country. Most pilots would also argue any noise standards set in a community should be applied equally and fairly to all noise sources - not just airplanes.

This section of the packet provides information about aircraft noise levels and compares aircraft noise to other noise sources.

Description of Noise

Noise is, very simply, unwanted sound or any undesirable sound interfering with normal speech and hearing or sound that is intense and annoying. The best way to describe noise and the problems relating to each individual's response to noise is to view airport noise as a system of integral parts including, but not limited to, the following:

- Nature and intensity.
- Number and fleet mix of aircraft using the airport.
- Distribution of operations among runways.
- Arrival and departure flight patterns.
- Time of day.
- Adjacent land uses, meaning compatible use vs. non-compatible use.
- Background or ambient noise levels in adjacent residential communities.

Each one of these factors plays a major role in the definition of the overall airport noise impact.

There are no less than 25 different methods to define noise; however, the aviation industry uses four basic methodologies to specifically describe aircraft noise:

1. dBA

A-weighted sound level (using a decibel base) that discriminates against lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. In short, it is a unit that measures the intensity of a sound in comparison to the lowest volume detectable to the human ear.

2. EPNdB

Effective perceived noise levels measured in decibels, which provides a subjective assessment of the human perception of the noisiness of the aircraft.

3. SEL

Single event level measures the precise dBA of one activity and considers duration and frequency. The noise produced by an individual aircraft overflight, takeoff, or landing is usually measured in SEL.

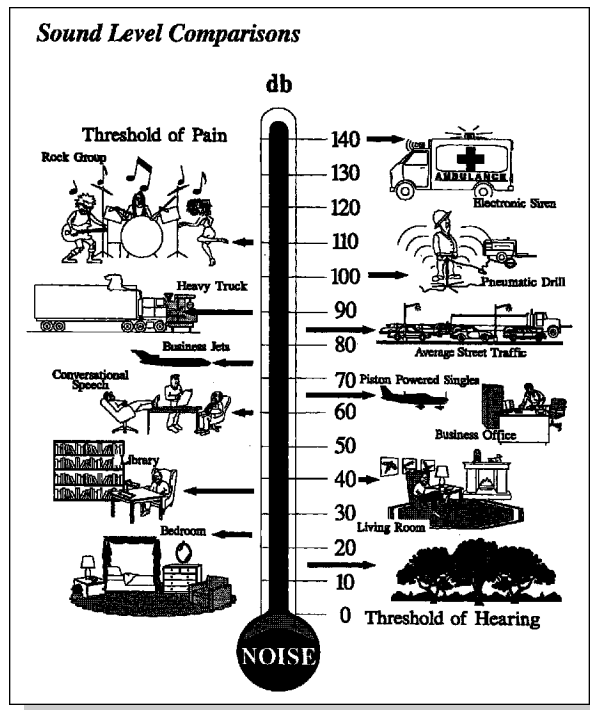
4. Lmax

Maximum noise level, or Lmax, is the maximum sound level, expressed in dBA, that occurs during a single noise event.


5. Ldn/DNL¹

Day-night average sound level defines the average A-weighted sound level during a 24-hour period, with a 10-dBA penalty applied to nighttime sound levels (10 p.m. to 7 a.m.), and is applicable to the measurement of all community noise sources.

¹ The community noise equivalent level (CNEL) is an additional penalty applied to nighttime noise in states such as California, which require use of CNEL for state environmental analysis. CNEL is identical to DNL, except that CNEL applies a 5-dBA penalty for noise occurring between 7 p.m. and 10 p.m.



The preceding illustration depicts sound level comparisons from absolute quiet to the threshold of pain. These noise levels are encountered in the average environment on a daily basis. By comparing the noise levels indicated for general aviation aircraft to the "noise thermometer," one can clearly see where general aviation aircraft fit into the overall noise picture.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Advisory Circular

Subject:

**ESTIMATED AIRPLANE NOISE LEVELS
IN A-WEIGHTED DECIBELS**

Date: 4/2/96

Initiated by: AEE-110

AC No: 36-3G


Change:

1. Purpose. This circular provides listings of estimated airplane noise levels in units of A-weighted sound level in decibels (dBA), ranked in descending order for the conditions and assumptions described below. This information is provided both for aircraft that have been noise type certificated under 14 CFR part 36, and for aircraft for which no such requirement currently exists.

FAA Advisory Circular (AC) 36-3G is a compilation of aircraft noise generation for takeoff and approach configurations of various makes and models of aircraft. The circular provides listings of estimated airplane noise levels in units of A-weighted sound level in decibels (dBA), ranked in descending order for the conditions and assumptions described in the AC. The information is provided both for aircraft that have been noise type certificated under CFR 14, Part 36, and aircraft for which no such requirement currently exists. All stipulations presented in the text of this AC are applicable to dBA noise levels. The circular also dictates specific placement criteria for noise monitors used during the aircraft noise data collection process. Located in this excellent reference is information such as the noise level of a Concorde taking off, 112.9 dBA; the older 747-100, 100.5 dBA; while the Cessna 152 and the Bellanca 7GCAA only 55.0 dBA and 51.0 dBA, respectively. On the other hand, a heavy truck passing by or the average street traffic can generate 85-90 dBA. Who makes more noise? It is a matter of perception and familiarity.

Manufacturer	Designation	dBA		
		Takeoff	Landing	
Reciprocating Engine Category				
Beechcraft	Baron (BE55)	63.0	72.1	
	Bonanza (BE35/36)	61.0	65.2	
	Duke	63.0	80.0	
	Duchess (BE76)	62.0	71.0	
Bellanca	Citabria (CH10)	51.0	60.0	
	Decathlon (BL30)	58.0	62.0	
	Viking (BL26)	65.0	64.0	
Cessna	Centurion (C210)	63.0	64.0	
	Cessna 150 (C150)	56.0	59.0	
	Cessna 152 (C152)	55.0	59.0	
	Cessna 170	68.0	61.0	
	Cessna 310 (C310)	65.0	73.7	
	Cessna 401 (C401)	67.0	74.0	
	Cessna 414 (C414)	67.0	73.0	
	Skyhawk (C172)	63.0	62.0	
	Skylane (C182)	69.0	56.0	
	Skymaster (C336)	70.0	72.0	
	Mooney	Mark 10 (MO10)	68.0	62.0
		Mark 20 (MO20)	65.0	62.0
Piper	Aztec (PA27)	68.0	64.0	
	Cherokee (PA28)	60.0	61.0	
	Arrow (PARO)	63.0	62.0	
	Cherokee Six (PA32)	61.0	64.0	
	Cub (PA2)	51.0	59.7	
	Seminole (PA44)	62.0	71.0	
	Seneca (PASE)	64.0	73.0	
	Tomahawk (PA38)	56.0	60.0	
	Tripacer/Colt (PA22)	52.0	61.2	
	Navajo (PA31)	62.8	72.8	
	Chiefton (PA31-350)	70.0	74.0	

The noise levels presented in the circular are associated with the aircraft certification process and are NOT INTENDED TO BE USED BY AIRPORT OPERATORS to make arbitrary assessments of which aircraft are and are not suitable for access to the airport. Individual site-specific studies of airport noise are performed under the authority of Federal Aviation Regulations (FAR) Part 150 and are most often federally funded. Within these studies, Noise Exposure Maps (NEMs) are developed, illustrating the most noise-impacted areas surrounding the airport. A more detailed description of the Part 150 process is provided in “**Appendix 1: Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects,**” (p. 22).



Federal Aviation Regulations

Part 150 Airport Noise Compatibility Planning

In Appendix A of FAR Part 150, land use compatibility with various sound levels is presented in table format. For example, residential land use is considered only compatible with noise levels under 65 Ldn. Commercial land uses, such as bus transfer stations and retail spaces, can be compatible with higher noise levels between 70-75 Ldn. The loudest noise areas at 85 Ldn and above are only compatible with land uses such as mining and forestry. In short, without an accurate and site-specific noise study, including an NEM, the airport will find itself trying to cure an “unidentified disease” with possibly the “wrong medicine.”

TABLE 1
LAND USE COMPATIBILITY* WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS

Land Use	Yearly Day-Night Average Sound Level (L_{dn}) in Decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
<i>Residential</i>						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
<i>Public Use</i>						
Schools	Y	N(1) ¹	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
<i>Commercial Use</i>						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
<i>Manufacturing And Production</i>						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
<i>Recreational</i>						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to notes.

* The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

KEY TO TABLE 1

SLUCM	Standard Land Use Coding Manual.
Y (Yes)	Land Use and related structures compatible without restrictions.
N (No)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land used and related structures generally compatible; measures to achieve NLR or 25, 30, or 35 dB must be incorporated into design and construction of structure.

Without the aid of a federally funded noise compatibility study, many airports must rely on the use of the land use planning tools (see “Part 2: Airport Compatible Land Use”) and, most importantly, the support of airport users.

Airport Noise: We Can Make a Difference

Through a concerted effort, and by demonstrating your sensitivity to the concerns expressed by the community as it relates to airport noise, your relationship with those affected by airport noise can be significantly improved. We must be willing to VOLUNTARILY take the steps necessary to be thoughtful to our fellow community members. Should voluntary efforts not be considered important to the airport, you may find your airport facing local legislation to fix the problem, and this solution isn't always in the best interest of the airport or its users.

Several noise control strategies can be used from an operational standpoint. They include designated ground runup areas, the use of preferential runways when applicable, use of maps displaying noise-sensitive areas, specific pattern procedures and altitudes, and maximum safe climb on takeoff. More specifically, the following ideas might be applied voluntarily to improve the noise impact at your local airport once you know where the noise-sensitive areas are located:

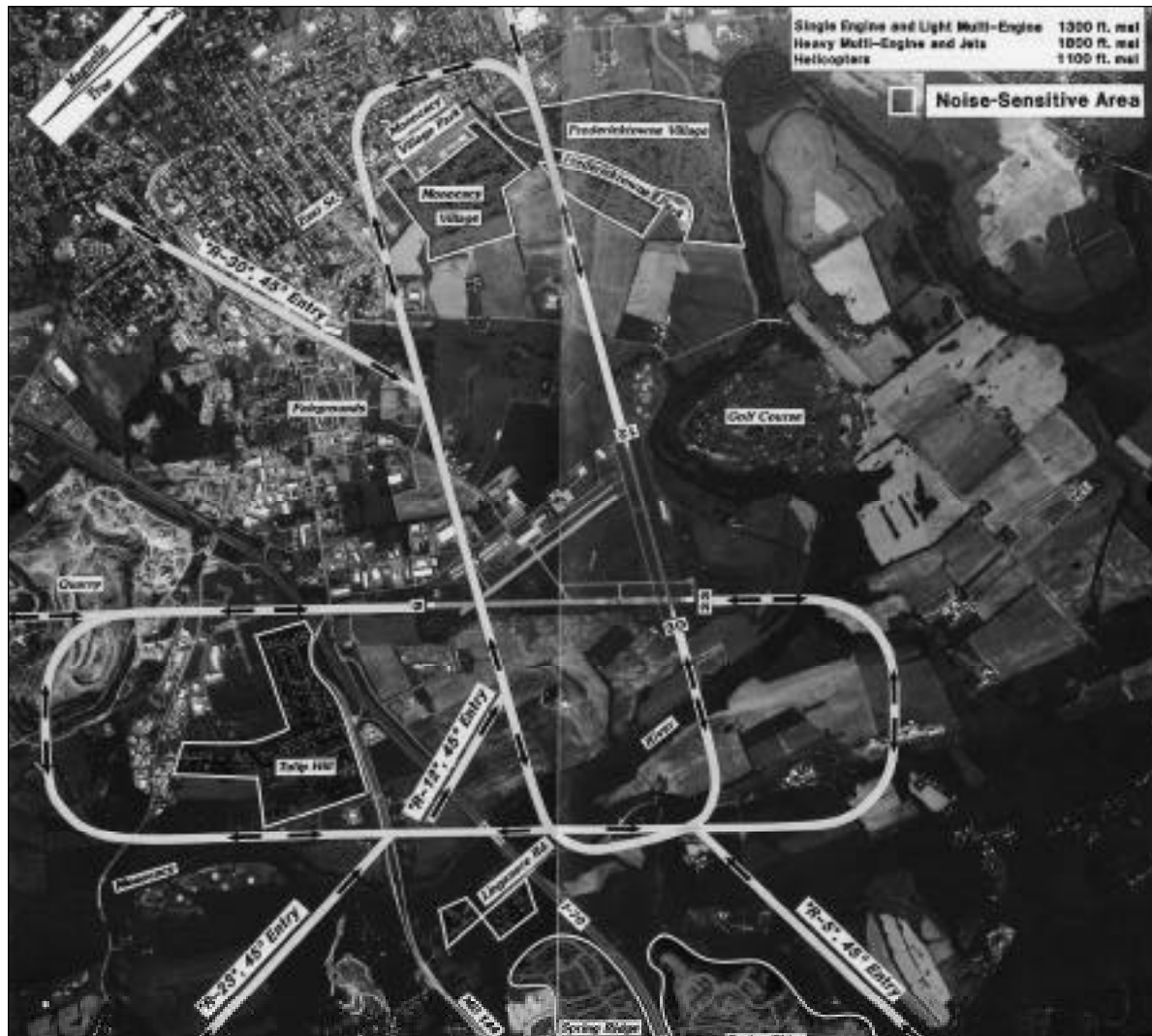
- Decide to undertake a noise-control planning effort.
- Use basic noise-control planning that should sequentially identify the noise problem.
- Address funding issues.
- Set up a working team composed of airport management, airport users, and representatives of the community concerned about the noise.

Subsequent steps could include defining the role of the team members and the scope of the planning effort, considering noise control opportunities, evaluating possible mitigation measures, creating a final plan, and, of course, adopting and implementing it.

What Can We Do?

As Pilots—

- ✈ Be aware of noise-sensitive areas, particularly residential areas near airports you use, and avoid low flight over these areas.
- ✈ Educate yourself on any voluntary noise arrival and departure procedures that have been developed at the airport; this could include specific traffic patterns and altitudes. These procedures are normally created in coordination with local pilots to safely minimize noise impacts to the surrounding communities.
- ✈ In constant-speed-propeller aircraft, do not use high rpm settings in the pattern. Prop noise from high-performance singles and twins increases drastically at high rpm settings.
- ✈ On takeoff, reduce to climb power as soon as safe and practical.
- ✈ Climb after liftoff at best-angle-of-climb speed until crossing the airport boundary, then climb at best rate.
- ✈ Depart from the start of the runway, rather than intersections, for the highest possible altitude when leaving the airport vicinity.
- ✈ Climb out straight ahead to 1,000 feet or so (unless that path crosses a noise-sensitive area). Turns rob an aircraft of climb ability.
- ✈ Avoid prolonged runups, and if possible, do them inside the airport area, rather than at its perimeter.
- ✈ Try low-power approaches, and always avoid the low, dragged-in approach.
- ✈ If you want to practice night landings, stay away from residential airports. Do your practice at major fields where a smaller airplane's sound is less obtrusive.



Courtesy of City of Frederick, MD

As Flight Instructors—

- ✈ Teach noise abatement procedures to all students, including pilots you take up for a biennial flight review. Treat noise abatement as you would any other element of instruction.
- ✈ Know noise-sensitive areas, and point them out as you come and go with students.
- ✈ Make sure that your students fly at or above the recommended pattern altitude.
- ✈ Practice maneuvers over unpopulated areas and vary your practice areas so that the same locale is not constantly subjected to aircraft operations.
- ✈ During practice of ground-reference maneuvers, be particularly aware of houses, schools, or any other noise-sensitive areas in your flight path.
- ✈ Stress that high-rpm prop settings are reserved for takeoff and for short final but not for flying the pattern. Pushing the prop to high rpm results in significantly higher levels of noise.
- ✈ If your field is noise sensitive, endorse your students' logbooks for landing at a more remote field, if available within a 25-nm range, to reduce touch-and-go activity at your airport.

As Fixed-Base Operators—

- ✂ Identify noise-sensitive areas near your airport, and work with your instructors and customers to create voluntary noise abatement procedures.
- ✂ Post any noise abatement procedures in a prominently visible area, and remind pilots who rent your aircraft or fly from your airport of the importance of adhering to them.
- ✂ Mail copies of noise abatement procedures with monthly hangar and tiedown bills. Make copies available on counter space for transient pilots.
- ✂ Assure your instructors are teaching safe noise abatement techniques.
- ✂ Call for use of the least noise-sensitive runway whenever wind conditions permit.
- ✂ Try to minimize night touch-and-go training at your airport if it is in a residential area. Encourage the use of nonresidential airports for this type of training operation.
- ✂ Initiate pilot education programs to teach and explain the rationale for noise abatement procedures and positive community relations.

For the Surrounding Community—

- ✂ Send a copy of the noise abatement procedure established for your airport, along with a brief explanation of its purpose, to the local newspaper. Let the public know PILOTS ARE CONCERNED.
- ✂ Ensure the pattern, approach, and departure paths are designated on official ZONING AND PLANNING MAPS so real estate activity is conducted in full awareness of such areas.
- ✂ Lobby for land use zoning and building codes in these areas that are compatible with airport activity and will protect neighboring residents.
- ✂ Stress, publicize, and communicate the value of the airport to the community and how its operation adds to the safety, economy, and overall worth of the area.
- ✂ Sponsor “airport days” at the airport to involve nonfliers with the business and fun of aviation and possibly attract potential new pilots.
- ✂ Encourage beautification projects at the airport. Trees and bushes around the runup and departure areas have proven effective in absorbing ground noise from airplanes.

FAA Noise Policies

The FAA’s mission is the development and maintenance of a safe, efficient, and environmentally compatible air transportation system. Since 1968 with an amendment to the Federal Aviation Act of 1958, the FAA has been authorized to develop both noise regulations and standards; aircraft noise issues have been a major factor in the success of FAA’s mission. Under the legislation, the FAA had to respond to Congress and industry in three basic areas:

1. Control of noise at the source - the aircraft itself.
2. Control of air traffic into and out of airports.
3. Technical and financial assistance to airport sponsors for airport noise and compatible land use planning.

The success of any airport noise program is contingent upon a cooperative working relationship among the airport sponsor, local government, users of the airport, and the adjacent community. Without this vital relationship, the airport noise problem remains just that - a problem.

To this end, the FAA has developed guidelines and regulations to foster this cooperative effort while establishing a systematic policy addressing the issue of controlling noise. A few of the major FAA regulations and advisory circulars include the following documents:

- 1A. Federal Aviation Regulations Part 150, "Airport Noise Compatibility Planning." Established in 1983, this FAR implements Title I of the Airport Safety and Noise Abatement Act (ASNA) of 1979 by establishing regulations for airport operators who elect to develop an airport noise compatibility plan.

AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979

Public Law 96-193; 94 Stat. 50; 49 U.S.C. App. 2101 et seq.

AN ACT To provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Safety and Noise Abatement Act of 1979".

AIRPORT NOISE AND CAPACITY ACT OF 1990 ¹

SEC. 9301. SHORT TITLE.

This subtitle may be cited as the "Airport Noise and Capacity Act of 1990". [49 U.S.C. App. 2151 note]

SEC. 9302. FINDINGS.

The Congress finds that—

(1) aviation noise management is crucial to the continued increase in airport capacity;

(2) community noise concerns have led to uncoordinated and inconsistent restrictions on aviation which could impede the national air transportation system;

(3) a noise policy must be implemented at the national level;

(4) local interest in aviation noise management shall be considered in determining the national interest;

(5) community concerns can be alleviated through the use of new technology aircraft, combined with the use of revenues, including those available from passenger facility charges, for noise management;

(6) federally controlled revenues can help resolve noise problems and carry with them a responsibility to the national airport system;

- 1B. In FY 1992, the FAA began administering new FAR Part 161, which was issued in 1991. Part 161 implements provisions of the Airport Noise and Capacity Act of 1990 (ANCA) by establishing a national program for reviewing airport noise and access restrictions on Stage 2 and Stage 3 aircraft operations. Part 161 also advises airport operators on how ANCA and Part 161 apply to the airport noise compatibility planning process conducted under FAR Part 150.

2. Advisory Circular 150/5020-1, "Noise Control and Compatibility Planning For Airports" (1983).
3. Advisory Circular 36-1G, "Noise Levels for U.S. Certification and Foreign Aircraft" (1997).
4. Advisory Circular 36-3G, "Estimated Airplane Noise Levels in A-Weighted Decibels" (1996).
5. Advisory Circular 36-4B, "Noise Certification Handbook" (1988).
6. Advisory Circular 91-36C, "Visual Flight Rules (VFR) Near Noise-Sensitive Areas" (1984).
7. FAR Part 36 - specifies maximum noise levels for turbojet aircraft during approach, takeoff and along the runway sideline.
8. Advisory Circular 91-53A, "Noise Abatement Departure Profiles" (1993).
9. Federal Aviation Administration - Southern Region, "Land Use Compatibility and Airports," September 1999. (<http://www.faa.gov/arp/app600/5054a/landuse.htm>).

The objectives of each of the above documents are to reduce and prevent noncompatible land uses around airports, establish standardized methods of measuring aircraft noise, and provide specific guidelines to evaluate land use compatibility.

APPENDIX I

LAFAYETTE MUNICIPAL AIRPORT ZONING RESTRICTIONS FOR THE CITY OF LAFAYETTE AND LAFAYETTE UNINCORPORATED AREAS

This appendix includes the Lafayette Consolidated Government Code of Ordinances regarding Airport Zoning Restrictions for both the City of Lafayette and unincorporated Lafayette Parish.

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INCORPORATED LAFAYETTE ZONING RESTRICTIONS

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Lafayette City-Parish Consolidated Government, Louisiana, Code of Ordinances >> PART II - CODE OF ORDINANCES >> [Chapter 26 - DEVELOPMENT REGULATIONS](#) >> [ARTICLE X. - AIRPORT ZONING RESTRICTIONS](#) >> [DIVISION 3. - LAFAYETTE MUNICIPAL AIRPORT \(CITY OF LAFAYETTE\)](#) >>

DIVISION 3. - LAFAYETTE MUNICIPAL AIRPORT (CITY OF LAFAYETTE)

[Sec. 26-611. - Definitions.](#)

[Sec. 26-612. - Territorial applicability.](#)

[Sec. 26-613. - Effective date.](#)

[Sec. 26-614. - Penalty.](#)

[Sec. 26-615. - Conflicting regulations.](#)

[Sec. 26-616. - Administrative agency.](#)

[Sec. 26-617. - Board of appeals.](#)

[Sec. 26-618. - Procedure for appeals; effect of appeal.](#)

[Sec. 26-619. - Judicial review.](#)

[Sec. 26-620. - Airport zone area.](#)

[Sec. 26-621. - Height limitations.](#)

[Sec. 26-622. - Use restrictions.](#)

[Sec. 26-623. - Nonconforming uses.](#)

[Sec. 26-624. - Variances.](#)

[Sec. 26-625. - Permits.](#)

[Sec. 26-626. - Hazard marking and lighting.](#)

[Secs. 26-627—26-640. - Reserved.](#)

Sec. 26-611. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Lafayette Municipal Airport.

Airport hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

Landing area means the area of the airport used for the landing, takeoff or taxiing of aircraft.

Map means the Lafayette Municipal Airport Zoning Map, which is designated "Exhibit A, Map No. 0-7393," of Tobin Aerial Surveys, which is on file at the parish courthouse.

Nonconforming use means any structure, tree or use of land which does not conform to a regulation prescribed in this division or an amendment thereto, as of the effective date of such regulations.

Owner means the city-parish consolidated government or its legally constituted successor.

Person means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

Structure means any object constructed or installed by man, including, but with limitation, buildings, towers, smokestacks and overhead transmission lines.

Tree means any object of natural growth.

(City Code 1965, § 4-33)

Cross reference— *Definitions generally*, § 1-2.

Sec. 26-612. - Territorial applicability.

Except as otherwise provided in this division, the provisions of this division apply only in the city.

Sec. 26-613. - Effective date.

This division became effective on March 28, 1961.

(City Code 1965, § 4-48)

Sec. 26-614. - Penalty.

Each violation of this division or of any regulation, order or ruling promulgated under this division shall be punishable as provided in [section 1-9](#).

(City Code 1965, § 4-45)

Sec. 26-615. - Conflicting regulations.

Where this division imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of this division shall govern.

(City Code 1965, § 4-46)

Sec. 26-616. - Administrative agency.

The airport commission is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations prescribed in this division. The duties of the administrative agency or officer shall include that of hearing and deciding all permits under [section 26-625](#), but he shall not have or exercise any of the powers or duties delegated to the board of appeals in this division.

(City Code 1965, § 4-41)

Sec. 26-617. - Board of appeals.

- (a) *Established; powers.* There is hereby created a board of appeals to have and exercise the following powers:
 - (1) Hear and decide appeals from any order, requirements, decisions or determinations made by the owner in the enforcement of this division.
 - (2) Hear and decide special exceptions to the terms of this division upon which such board may be required to pass by subsequent ordinances.
 - (3) Hear and decide specific variances under [section 26-625](#)
- (b) *Membership; term of members.* The board of appeals shall consist of five members, each to be appointed for a term of three years and to be removable for cause by the owner upon written charges and after a public hearing. In the first instance, one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. Thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed and qualified.

- (c) *Meetings and rules of procedure.* The board shall adopt rules for its governance and procedure in harmony with the provisions of this division. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

(City Code 1965, § 4-42)

Charter reference— *Administrative boards and commissions, § 7-07.*

Cross reference— *Boards and commissions, § 2-111 et seq.*

Sec. 26-618. - Procedure for appeals; effect of appeal.

- (a) Any person aggrieved or taxpayer affected by any decision of the owner made in its administration of this division, or of the opinion that the decision of the owner is an improper application of this division, may appeal to the board of appeals for which provision is made in [section 26-617](#)
- (b) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, by filing with the owner and with the board a notice of appeal specifying the grounds thereof. The owner shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the owner certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the board on notice to the owner and on due cause shown.
- (d) The board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (e) The board may, in conformity with the provisions of this division, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the owner.
- (f) The board shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing or affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this division.
- (g) The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision or determination of the owner, or to decide in favor of the applicant on any matter upon which it is required to pass under this division, or to effect any variation in this division.
- (h) Findings of fact of the board of appeals, if supported by substantial evidence, shall be conclusive on appeal.

(City Code 1965, § 4-43)

Sec. 26-619. - Judicial review.

Any person aggrieved or taxpayer affected by any decision of the board of appeals under this division may appeal to the district court as provided by R.S. 2:387.

(City Code 1965, § 4-44)

Sec. 26-620. - Airport zone area.

- (a) *Established.* For the purpose of this division, an area of land and water within a radius of 15,000 feet of the airport reference point described and established in this section, and within the boundary of the airport approach surface zones, transition surface zones, horizontal surface zones and conical surface zones, is hereby declared to be the airport zone area, and the whole of such area is made subject to this division.
- (b) *Airport reference point.* The airport reference point is established and described as follows:
Latitude 30° 12' 00.7"

Longitude 91° 59' 37.7"

x = 1,791, 360 feet; y = 553, 260 feet
- (c) *Boundary map.* The boundary of the airport zone area is determined by reference to surface areas and by height and use limitations. The boundaries of these surface areas or zones are hereby established as shown on a map entitled "Lafayette Municipal Airport Zoning Map," described in [section 26-611](#), and on file at the office of the clerk of court in the parish courthouse, which is hereby made a part of this division, as the map may be amended and supplemented.

(City Code 1965, § 4-34)

Sec. 26-621. - Height limitations.

- (a) Except as otherwise provided in this division, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this division to a height in excess of the height limit elevation established by this division for such zone.
- (b) The boundary and height limit elevation for each type zone is hereby established as follows:
 - (1) *Airport approach surface zones.*
 - a. *North approach surface.* Beginning at a point 200 feet north of the north end of Runway 1-19, an inclined surface starting at elevation 42.5 feet MSL with a slope of 50:1, 1,000 feet wide, symmetrical about the projected runway centerline and extending a horizontal distance of 10,000 feet from the point of beginning with a width of 4,000 feet symmetrical about the projected runway centerline at the 10,000-foot point. Continuing from the 10,000-foot point, an inclined surface with a slope of 40:1, 4,000 feet wide, symmetrical about the projected runway centerline at the 10,000-foot point and extending a horizontal distance of 40,000 feet from the 10,000-foot point with a width of 16,000 feet, symmetrical about the projected runway centerline at the 40,000-foot point.
 - b. *South approach surface.* Beginning at a point 200 feet south of the south end of Runway 1-19, an inclined surface starting at elevation 36.87 feet MSL with a slope of 50:1, 1,000 feet wide, symmetrical about the projected runway centerline and extending a horizontal distance of 10,000 feet from the point of beginning with a width of 4,000 feet symmetrical about the projected runway centerline at the 10,000-foot point. Continuing from the 10,000-foot point, an inclined surface with a slope of 40:1, 4,000 feet wide, symmetrical about the projected runway centerline at the 10,000-foot point and extending a horizontal distance of 40,000 feet from the 10,000-foot point with a width of 16,000 feet, symmetrical about the projected runway centerline at the 40,000-foot point.
 - c. *East approach surface.* Beginning at a point 200 feet east of the east end of Runway 10-28, an inclined surface starting at elevation 38 feet MSL with a slope of 40:1, 500 feet wide, symmetrical about the projected runway centerline and extending a horizontal distance of 10,000 feet from the point of beginning, with a width of 2,500 feet

symmetrical about the projected runway centerline at the 10,000-foot point and an elevation of 288 feet MSL at the 10,000-foot point.

- d. *West approach surface.* Beginning at a point 200 feet west of the west end of Runway 10-28, an inclined surface starting at elevation 37 feet MSL with a slope of 40:1, 500 feet wide, symmetrical about the projected runway centerline and extending a horizontal distance of 10,000 feet from the point of beginning, with a width of 2,500 feet symmetrical about the projected runway centerline at the 10,000-foot point and an elevation of 287 feet MSL at the 10,000-foot point.
- (2) *Transition surface zones.* An inclined surface at right angles to the runway centerline and/or the projection thereof extending on a slope of 7:1 from the edge of the landing zone at the elevation of the runway centerline to an intersection with the horizontal surface at elevation 192.5 feet MSL and extending on a slope of 7:1 from the edge of the approach surfaces to an intersection with the horizontal surface at elevation 192.5 feet MSL or the conical surface.
- (3) *Horizontal surface zones.* A horizontal circular surface at elevation 192.5 feet centered at the established airport reference point with a radius of 10,000 feet.
- (4) *Conical surface zones.* An inclined conical surface concentric with and adjacent to the perimeter of the horizontal surface with a horizontal width of 5,000 feet and a 20:1 slope from elevation 192.5 feet MSL at the circumference of the horizontal surface to elevation 442.5 feet at the exterior circumference of the conical surface.
- (5) *Width of landing zones.* The width of the landing zones shall be:
 - a. Runway 1-19: 1,000 feet.
 - b. Runway 10-28: 500 feet.
- (c) The established airport elevation is hereby declared to be 42.5 feet.
- (d) Notwithstanding any other provision of this division to the contrary, the height limits prescribed by this division shall not establish for any particular parcel of land, at any particular point within such parcel, a height limit of less than 50 feet above the surface elevation of the land at this point.

(City Code 1965, § 4-35)

Sec. 26-622. - Use restrictions.

Notwithstanding any other provisions of this division, no use may be made of land within any airport approach zone, airport turning zone or airport transition zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering of aircraft.

(City Code 1965, § 4-36)

Sec. 26-623. - Nonconforming uses.

The regulations prescribed in sections [26-621](#) and [26-622](#) shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date thereof, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this division shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the regulation and is diligently prosecuted and completed within two years thereof.

(City Code 1965, § 4-37)

Sec. 26-624. - Variances.

Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this division may apply for a variance therefrom. Such variance shall be allowed where literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this division.

(City Code 1965, § 4-38)

Sec. 26-625. - Permits.

- (a) *Future uses.* No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established, in violation of the height limitations in any airport approach zone, airport turning zone or airport transition zone, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this division. If such determination is in the affirmative, the permit applied for shall be granted.
- (b) *Existing uses.* Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, within any airport approach zone, airport turning zone or airport transition zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher or become a greater hazard to air navigation than it was on March 28, 1961, or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing use, structure or tree shall be granted.

(City Code 1965, § 4-39)

Sec. 26-626. - Hazard marking and lighting.

Any permit or variance granted under sections [26-624](#) and [26-625](#) may, if such action is deemed advisable to effectuate the purposes of this division and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city-parish consolidated government, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(City Code 1965, § 4-40)

Secs. 26-627—26-640. - Reserved.

UNINCORPORATED LAFAYETTE ZONING RESTRICTIONS

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Lafayette City-Parish Consolidated Government, Louisiana, Code of Ordinances >> PART II - CODE OF ORDINANCES >> [Chapter 26 - DEVELOPMENT REGULATIONS](#) >> [ARTICLE X. - AIRPORT ZONING RESTRICTIONS](#) >> [DIVISION 4. - LAFAYETTE MUNICIPAL AIRPORT \(UNINCORPORATED AREAS\)](#) >>

DIVISION 4. - LAFAYETTE MUNICIPAL AIRPORT (UNINCORPORATED AREAS)

[Sec. 26-641. - Definitions.](#)

[Sec. 26-642. - Territorial applicability.](#)

[Sec. 26-643. - Penalty.](#)

[Sec. 26-644. - Conflicting regulations.](#)

[Sec. 26-645. - Applicability of prior ordinance.](#)

[Sec. 26-646. - Administration and enforcement.](#)

[Sec. 26-647. - Board of appeals.](#)

[Sec. 26-648. - Procedure for appeals; effect of appeals.](#)

[Sec. 26-649. - Judicial review.](#)

[Sec. 26-650. - Airport zones.](#)

[Sec. 26-651. - Height limitations.](#)

[Sec. 26-652. - Use restrictions.](#)

[Sec. 26-653. - Nonconforming uses.](#)

[Sec. 26-654. - Permits; variances.](#)

[Sec. 26-655. - Exceptions.](#)

[Secs. 26-656—26-680. - Reserved.](#)

Sec. 26-641. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Lafayette Airport.

Airport elevation means the established elevation of the highest point on the usable landing areas.

Airport hazard means any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

Airport reference point means the point established as the approximate geographic center of the airport landing area and so designated.

Board of appeals means a board consisting of five members appointed by the city-parish consolidated council as provided in [section 26-647.](#)

Height. For the purpose of determining the height limits in all zones set forth in this division and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Heliport means that paved surface used primarily for the takeoff and landing of helicopters.

Landing area means the area of the airport used for the landing, taking off or taxiing of aircraft.

Map means Lafayette Airport Zoning Map, which is designated "Exhibit A," dated December 14, 1971, which is attached to Parish Ordinance No. 255 and is on file in the office of the clerk of court.

Nonconforming use means any structure, tree, natural growth or use of land which is inconsistent with the provisions of this division or an amendment thereto, and which preexisted this division or any prior ordinance or amendments thereof, and which was nonconforming prior to the adoption of such ordinance or amendment thereto.

Non-precision-instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment, for which a straight-in non-precision-instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration planning document.

Owner means the city-parish consolidated government or its legally constituted successor.

Person means an individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

Precision-instrument runway means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by a Federal Aviation Administration approved airport layout plan or any other Federal Aviation Administration planning document.

Runway means the paved or water surface of an airport landing strip or proposed airport landing strip or extension used primarily for landing and takeoff of fixed-wing aircraft.

Structure means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Tree means any object of natural growth.

(Ord. No. 255 (Par.), § II, 2-10-72)

Cross reference— Definitions generally, § 1-2.

Sec. 26-642. - Territorial applicability.

Except as otherwise provided in this division, the provisions of this division apply only in the unincorporated areas of the parish.

Sec. 26-643. - Penalty.

Each violation of this division or of any regulation, order or ruling promulgated under this division shall be punished as provided in [section 1-9](#).

(Ord. No. 255 (Par.), § XII, 2-10-72)

Sec. 26-644. - Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this division and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 255 (Par.), § XIII, 2-10-72)

Sec. 26-645. - Applicability of prior ordinance.

This division amends and supersedes Parish Ordinance No. 183. Notwithstanding anything contained in this division to the contrary, except as may be amended in this division, the provisions of Ordinance No. 183 shall remain in full force and effect as to any structure or nonconforming use created subsequent to the effective date of Ordinance No. 183 and prior to the date of the amending and superseding ordinance.

(Ord. No. 255 (Par.), § XVI, 2-10-72)

Sec. 26-646. - Administration and enforcement.

It shall be the duty of the Lafayette Airport manager to administer and enforce the regulations prescribed in this division. Applications for permits and variances shall be made to the Lafayette Airport manager upon a form furnished by him. Applications required by this division to be submitted to the Lafayette Airport manager shall be promptly considered and granted or denied by him. Applications for action by the board of appeals shall be forthwith transmitted by the Lafayette Airport manager.

(Ord. No. 255 (Par.), § VIII, 2-10-72)

Cross reference— *Administration, ch. 2.*

Sec. 26-647. - Board of appeals.

- (a) *Established; powers.* There is hereby created a board of appeals to have and exercise the following powers:
 - (1) Hear and decide appeals from any order, requirement, decision or determination made by the Lafayette Airport manager in the enforcement of this division.
 - (2) Hear and decide special exceptions to the terms of this division upon which such board of appeals under such regulations may be required to pass.
 - (3) Hear and decide specific variances.
- (b) *Membership; appointment and term of members.* The board of appeals shall consist of five members appointed by the city-parish consolidated council, and each shall serve for a term of three years and until his successor is duly appointed and qualified. Of the members first appointed, two shall be appointed for a term of three years, two for a term of two years and one for a term of one year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- (c) *Rules of procedure; records.* The board of appeals shall adopt rules for its governance and procedure in harmony with the provisions of this division. Meetings of the board of appeals shall be held at the call of the chairman and at such other times as the board of appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of appeals shall be public. The board of appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Lafayette Airport manager and shall be a public record.
- (d) *Decisions.* The board of appeals shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this division.
- (e) *Required vote.* The concurring vote of a majority of the members of the board of appeals shall be sufficient to reverse any order, requirement, decision or determination of the Lafayette Airport manager or to decide in favor of the applicant on any matter upon which it is required to pass under this division, or to effect any variation in this division.
- (f)

Members of airport commission appointed to board. The five members of the airport commission are hereby designated and appointed as members of the board of appeals for a term of three years each; except, however, the first of the members first appointed shall be appointed as set forth in subsection (b) of this section.

(Ord. No. 255 (Par.), § IX, 2-10-72)

Charter reference— *Administrative boards and commissions, § 7-07.*

Cross reference— *Boards and commissions, § 2-111 et seq.*

Sec. 26-648. - Procedure for appeals; effect of appeals.

- (a) Any person aggrieved or any taxpayer affected by any decision of the Lafayette Airport manager made in his administration of this division may appeal to the board of appeals.
- (b) All appeals under this section must be taken within a reasonable time as provided by the rules of the board of appeals, by filing with the Lafayette Airport manager a notice of appeal specifying the grounds thereof. The Lafayette Airport manager shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.
- (c) An appeal shall stay all proceedings in furtherance of the actions appealed from, unless the Lafayette Airport manager certifies to the board of appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of appeals on notice to the Lafayette Airport manager and on due cause shown.
- (d) The board of appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (e) The board of appeals may, in conformity with the provisions of this division, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

(Ord. No. 255 (Par.), § X, 2-10-72)

Sec. 26-649. - Judicial review.

Any person aggrieved or any taxpayer affected by any decision of the board of appeals may appeal to the district court as provided in R.S. 2:387.

(Ord. No. 255 (Par.), § XI, 2-10-72)

Sec. 26-650. - Airport zones.

In order to carry out the provisions of this division, there are hereby created and established certain zones which include all of the land lying within the precision-instrument approach zones, non-precision-instrument approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on the Lafayette Airport Zoning Map, consisting of one sheet, prepared by Dominigue, Szabe & Associates, Inc., and dated August 10, 1971, which is attached to Parish Ordinance No. 255 and made a part of this division by reference. The various zones are hereby established and defined as follows:

- (1) *Precision-instrument approach zone.* An instrument approach zone is established at each end of the instrument runway for precision-instrument landings and takeoffs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end or proposed end point of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- (2)

Non-precision-instrument approach zone. A non-precision-instrument approach zone is established at each end of all non-precision-instrument runways for non-precision-instrument approaches for landings and takeoffs. The non-precision-instrument approach zone shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 1,750 feet at a distance of 2,700 feet beyond each end of the runway, thence widening to a width of 3,500 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway. (See [section 26-655](#) for exceptions.)

- (3) *Heliport approach zone.* A heliport approach zone shall have a width of 150 feet for its north approach and 110 feet for its west approach beginning at the edge of the pavement surface and widening to a width of 500 feet at a distance 1,400 feet beyond the north end and 1,560 feet beyond the west end of the pavement surface.
- (4) *Transition zones.* Transition zones are hereby established adjacent to each precision-instrument and non-precision-instrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line 250 feet on either side of the centerline of the non-precision-instrument runways, for the length of such runway plus 200 feet on each end, and 500 feet on either side of the centerline of the precision-instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one foot vertically for each seven feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both precision-instrument and non-precision-instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one foot vertically for each seven feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the precision-instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.
- (5) *Horizontal zone.* A horizontal zone is hereby established as the area within a figure constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. When an arc or tangent is encompassed by an adjacent arc or tangent it shall be disregarded in the construction of the perimeter of the horizontal zone.
- (6) *Conical zone.* A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 4,000 feet. The conical zone does not include the instrument approach zones and transition zones.

(Ord. No. 255 (Par.), § III, 2-10-72)

Sec. 26-651. - Height limitations.

- (a) Except as otherwise provided in this division, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this division to a height in excess of the height limit established in this division for such zone. Such height limitations are hereby established for each of the zones in question as follows:
 - (1) *Precision-instrument approach zone.* One foot height for each 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway, thence one

foot in height for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway.

- (2) *Non-precision-instrument approach zones.* One foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the non-precision-instrument runway and extending to a point 2,700 feet from the end of the runway, thence one foot in height for each 40 feet in horizontal distance to a point 10,200 feet from the end of the runway. (See [section 26-655](#) for exception.)
 - (3) *Heliport approach zone.* One foot in height for each eight feet in horizontal distance beginning at the pavement surface and extending to a point 1,400 feet from the north and 1,560 feet from the west ends of the pavement.
 - (4) *Transition zones.* One foot in height for each seven feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the centerline of non-precision-instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the precision-instrument runway, extending 200 feet beyond each end thereof, extending to a height of 150 feet above the airport elevation, which is 42 feet above mean sea level. In addition, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the precision-instrument approach zone projects through and beyond the conical zone, a height limit of one foot for each seven feet of horizontal distance shall be maintained beginning at the edge of the precision-instrument approach zone and extending a distance of 5,000 feet from the edge of the precision-instrument approach zone measured normal to the centerline of the runway extended.
 - (5) *Horizontal zone.* One hundred fifty feet above the airport elevation or a height of 192 feet above mean sea level.
 - (6) *Conical zone.* One foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.
 - (7) *Exceptions.* Nothing in this division shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height of up to 125 feet above the surface of the land, except in the approach and transition zones.
- (b) Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

(Ord. No. 255 (Par.), § IV, 2-10-72)

Sec. 26-652. - Use restrictions.

Notwithstanding any other provisions of this division, no use may be made of land within any zone established by this division in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering of aircraft.

(Ord. No. 255 (Par.), § V, 2-10-72)

Sec. 26-653. - Nonconforming uses.

- (a) *Regulations not retroactive.* The regulations prescribed by this division shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of February 10, 1972, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this division shall require any change in the construction,

alteration or intended use of any structure, the construction or alteration of which was begun prior to February 10, 1972, and is diligently prosecuted.

- (b) *Hazard marking and lighting.* Notwithstanding subsection (a) of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Lafayette Airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the city-parish consolidated government (airport commission).

(Ord. No. 255 (Par.), § VI, 2-10-72)

Sec. 26-654. - Permits; variances.

- (a) *Future uses.* Except as specifically provided in subsections (a)(1), (2) and (3) of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this division unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this division. If such determination is in the affirmative, the permit shall be granted.
- (1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.
 - (2) In the areas lying within the limits of the precision-instrument and non-precision-instrument approach zones but at a horizontal distance of not less than 4,200 feet from each of the runways, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.
 - (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when such tree or structure because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of these exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this division, except as set forth in [section 26-651](#).

- (b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on February 10, 1972, or on the effective date of any amendments to this division, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) *Nonconforming uses abandoned or destroyed.* Whenever the Lafayette Airport manager determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this division, may apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this division.

- (e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this division and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city-parish consolidated council or the airport commission, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Ord. No. 255 (Par.), § VII, 2-10-72)

Sec. 26-655. - Exceptions.

- (a) The existing instrument runway (Runway O-19) shall remain the precision-instrument runway and shall have the same zones and height limitations as stated for a precision-instrument approach zone in sections [26-650](#) and [26-651](#), respectively, until such time that the proposed runway (Runway 3-21) is designated as the precision-instrument runway. At that time Runway O-19 will become a non-precision-instrument runway with the appropriate zones and height limitations of a non-precision-instrument runway. The map showing the instrument approach zone for Runway 1-19 is the same as recorded with the clerk of court in the parish courthouse as Parish Ordinance No. 183, Act #407540.
- (b) The non-precision-instrument approach zone for the west approach to Runway 10-28 shall have a width of 500 feet at a distance of 200 feet beyond the west end of the runway, widening thereafter uniformly to a width of 3,500 feet at a distance of 10,200 feet beyond the west end of this runway, its centerline being the continuation of the centerline of the runway. Height limitations as set forth in [section 26-651](#) for the west approach zone of Runway 10-28 shall be one foot in height for each 40 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of this runway and extending to a point 10,200 feet from the end of the runway.

(Ord. No. 255 (Par.), § XV, 2-10-72)

Secs. 26-656—26-680. - Reserved.

APPENDIX J

SAMPLE FORT WORTH BUILDING CODE

This appendix includes a sample building code written in conjunction with the JLUS Study for Fort Worth Naval Air Station.

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ARTICLE VI. AIRPORT ZONING REGULATIONS*

***Cross references:** Subdivision regulations, Ch. 31; zoning regulations, App. A.

DIVISION 1. GENERALLY

Secs. 3-176--3-190. Reserved.

DIVISION 2. DALLAS-FORT WORTH INTERNATIONAL AIRPORT*

***State law references:** Airport zoning regulations, V.A.T.S. art. 46e-1 et seq.

Sec. 3-191. Short title.

This article shall be known and may be cited as the "Airport Zoning Ordinance of the Dallas- Fort Worth International Airport."

(Ord. No. 6687, § 1, 6-19-72)

Sec. 3-192. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative agencies shall mean those agencies which have the responsibility for the administration and enforcement of this division.

Airport shall mean the Dallas-Fort Worth International Airport, located in Dallas and Tarrant Counties, Texas.

Airport elevation shall mean the established elevation of the highest point on the usable landing area, such elevation being six hundred six (606) feet above mean sea level.

Airport hazard shall mean any structure, tree, installation, electronic and/or visual interference, or use of land or water which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

Airport hazard area shall mean any area of land or water under the imaginary surfaces as established in section 3-194 upon which an airport hazard might be established if not prevented as provided in this division.

Airport zone shall mean the space between the earth's surface and the imaginary surfaces as established in section 3-194.

Board of adjustment shall mean a board consisting of five (5) members appointed by the joint airport zoning board as provided by state law, specifically Vernon's Annotated Civil Statutes, article 46e-10.

Height. For the purpose of determining the height limits in all zones set forth in this division and shown on the zoning map, the datum shall be measured in mean sea level elevation unless otherwise specified.

Installation shall mean any electronic or visual interference that is not included within the definition of *structure* or *tree*.

Joint airport zoning board shall mean a board having as members two (2) representatives appointed by each political subdivision participating in its creation and in addition a chairman elected by a majority of the members so appointed.

Nonconforming use shall mean any structure, tree or use of land which is lawfully in existence at the time the regulation is prescribed in the ordinance or an amendment thereto becomes effective and does not then meet the requirement of such regulation.

Political subdivision shall mean any municipality, city, town, village or county.

Runway shall mean the paved surface of an airport designated for the landing and taking off of aircraft.

Structure shall mean an object permanent, or temporarily constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Tree shall mean any object of natural growth.

Zoning map shall mean "The Hazard Zoning Maps Of The Joint Airport Zoning Board For The Dallas-Fort Worth International Airport."

(Ord. No. 6687, § 2, 6-19-72)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 3-193. Incorporation of hazard zoning maps.

The hazard zoning maps for the Dallas-Fort Worth International Airport, prepared by the engineering and architectural firm of Tippetts-Abbott-McCarthy-Stratton, consisting of twenty (20) pages and dated December, 1970, is hereby incorporated by reference and made a part of this division for all purposes.

(Ord. No. 6687, § 3, 6-19-72)

Sec. 3-194. Imaginary surfaces.

The following imaginary surfaces are established to implement the provisions of this division. The dimensions, elevations above mean sea level, slopes and radii applicable to the imaginary surfaces shall be as shown on the zoning map.

(1) *Primary surface:* A surface longitudinally centered on a runway, and extending beyond the ends of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

(2) *Horizontal surface:* A horizontal plane surface one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

(3) *Conical surface:* A surface extending outward and upward from the entire perimeter of the horizontal surface, at a specified slope and for a specified distance.

(4) *Approach surface:* A surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface for a

specified distance at a specified slope, and expands its horizontal dimension uniformly to a specified width.

(5) *Transitional surfaces:* A surface extending outward and upward at right angles to the runway center line and the runway center line extended at a specified slope from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the conical surfaces extend a specified distance measured horizontally from the edge of the approach surface and at right angles to the runway center line.

(Ord. No. 6687, § 4, 6-10-72)

Sec. 3-195. Height limitations.

Except as otherwise may be provided in this division, no structure, tree or installation shall be erected, altered, allowed to grow or be maintained within the airport hazard zoning area which will be above the imaginary surfaces as established by and shown on the zoning map.

(Ord. No. 6687, § 5, 6-19-72)

Sec. 3-196. Use restrictions.

Notwithstanding any other provision of this division, no use may be made of land or water nor installation placed on land or water within the airport hazard area that will create interference with radio communication between the airport and aircraft; or that will create interference with any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device; or that will result in glare in the eyes of flyers using the airport but this prohibition shall not include momentary glare or glare from vertical or downward reflecting windows or glass panels used in the construction of structures; or that will impair visibility in the vicinity of the airport, attract birds, or that will otherwise endanger the landing, taking off or maneuvering of aircraft operating through the facilities of the airport. No other airport or landing field shall be constructed within the airport hazard area.

(Ord. No. 6687, § 6, 6-19-72)

Sec. 3-197. Existing nonconformities.

Structures, trees or installations existing prior to the effective date of these regulations which do not conform to the requirements of this division shall be considered as legal nonconforming uses. This division shall not be construed to require the removal, lowering, change or alteration of any legal nonconforming use structure, tree or installation. A permit shall be required for a legal nonconforming use and shall be issued on application of the owner or agent accompanied by affidavit that the use, structure, tree or installation was in existence on the effective date of these regulations. Application for permits for nonconforming users shall be made within one hundred eighty (180) days from the effective date of these regulations.

(Ord. No. 6687, § 7, 6-19-72)

Sec. 3-198. Permits required.

Before any new structure or use which could be defined as an airport hazard under this division may be constructed or established and before any such existing use or structure

may be increased in height or otherwise altered, a permit to do so must be secured by the owner involved or his agent. All permit applications shall be made to the administrative agency having jurisdiction, or their designated representatives under section 3-202. If any administrative agency issues a permit erroneously allowing the beginning of erection of any structure or tree, such permit shall not constitute a variance or be construed in any manner to allow any person to penetrate the imaginary surfaces established. It will remain incumbent on the sponsor, builder, property owner or their agents, as the case may be, to prevent the creation of any object that will cause an airport hazard within the meaning of this division. When such permits are requested for construction and/or alteration within the city limits of a municipality the administrative agency having jurisdiction shall be the municipality itself and the county administrative agency shall have no jurisdiction within the city limits of municipalities.
(Ord. No. 6687, § 8, 6-19-72)

Sec. 3-199. Notice to FAA.

Nothing in this division shall be construed as relieving any owner, sponsor or agent from the requirement for filing a notice of proposed construction or alteration with the appropriate Federal Aviation Administration authority.
(Ord. No. 6687, § 9, 6-19-72)

Sec. 3-200. Variances.

Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of this division may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this division; provided that any variances allowed shall be subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this division.
(Ord. No. 6687, § 10, 6-19-72)

Sec. 3-201. Hazard marking and lighting.

Any permit granted under this division may, if such action is deemed advisable to effectuate the purposes of this division and reasonable in the circumstances, be so conditioned as to require the owner of the structure, tree or installation in question to permit the proper authority to install, operate and maintain thereon such markers and lights as the board may find necessary to indicate the presence of the airport hazard.
(Ord. No. 6687, § 11, 6-19-72)

Sec. 3-202. Administrative agencies.

The administration and enforcement of all regulations adopted by the joint airport zoning board is vested in the governing bodies of each of the political subdivisions represented on the board, and who have adopted the regulations each respectively by ordinance. Each political subdivision shall:

- (1) Establish its own administrative and enforcement agency; or

(2) Designate another political subdivision to administer and enforce this division in its behalf; or

(3) Request the joint airport zoning board to designate an agency to act in this capacity in its behalf.

(Ord. No. 6687, § 12, 6-19-72)

Sec. 3-203. Rules of procedure.

The joint airport zoning board shall adopt rules of procedure to govern its actions and to inform permit applicants and administrative agencies and officials of the procedures required in connection with issuance of permits.

(Ord. No. 6687, § 13, 6-19-72)

Sec. 3-204. Board of adjustment.

(a) There is hereby created a board of adjustment to have and exercise the following powers:

(1) To hear and decide appeals from any order, requirement, decision or determination made in the enforcement of this division;

(2) To hear and decide special exceptions to the terms of this division upon which such board of adjustment may be required to pass by subsequent regulations;

(3) To hear and decide specific variances.

(b) The board of adjustment shall consist of five (5) members, each to be appointed for a term of two (2) years and removable for cause upon written charges and after public hearing. All vacancies shall be filled by appointment of new members by the joint airport zoning board. The chairman of the board of adjustment will be elected by the members and from the members of the board of adjustment.

(c) The board of adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this division. Meetings of the board of adjustment shall be held at the call of the chairman and at such times as the board of adjustment shall determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board of adjustment, and shall be a public record.

(Ord. No. 6687, § 14, 6-19-72)

Cross references: City boards generally, § 2-46 et seq.

Sec. 3-205. Appeals.

(a) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this division, or any governing body of a political subdivision, or any joint airport zoning board, which is of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(b) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the administrative agency and with the board of adjustment a notice of appeal specifying the grounds thereof. The administrative agency shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative agency certified to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent perils to life or property. In such case, proceedings shall not be stayed otherwise than by order of the board of adjustment on notice to the administrative agency and on due cause shown.

(d) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time [time]. Upon hearing, any party may appeal in person or by agent or by attorney.

(e) The board of adjustment may, in conformity with the provisions of this division, reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative agency.

(f) The board of adjustment shall make written findings of fact and conclusions of law, giving the facts upon which it acted and its legal conclusion from such facts in reversing or affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this division.

(g) The concurring vote of four (4) members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative agency or to decide in favor of the applicant on any matter upon which it is required to pass under this division or to effect any variation in this division.

(Ord. No. 6687, § 15, 6-19-72)

Sec. 3-206. Judicial review.

Any person aggrieved or taxpayer affected by any decision of the board of adjustment, or any governing body of a political subdivision or the joint airport zoning board or administrative agency which is of the opinion that a decision of the board of adjustment is illegal may, within ten (10) days after the decision is filed in the office of the board, present a verified petition to a court of competent jurisdiction for relief in a manner as provided in article 46e-11(1), Texas Revised Civil Statutes.

(Ord. No. 6687, § 16, 6-19-72)

Sec. 3-207. Enforcement and remedies.

In addition, the political subdivision or agency adopting the zoning regulations in this division may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of such regulations or enforcement, and may be granted such relief by way of injunction as may be proper under all the facts and circumstances of the case.

(Ord. No. 6687, § 17, 6-19-72)

Sec. 3-208. Penalties.

Each violation of this division or of any regulation, order, or ruling promulgated under this division shall constitute a misdemeanor and be punishable as provided in section 1-6. Jurisdiction for any offense providing a criminal penalty under this division shall lie in the municipal court in the municipality in which the violation occurs; however, if the offense in an area not incorporated within a municipality, jurisdiction shall lie in the justice of the peace court of the precinct in which the offense occurs.
(Ord. No. 6687, § 18, 6-19-72)

Sec. 3-209. Effect of conflict with other ordinances or regulations.

Where this division imposes a greater or more stringent restriction upon the use of land, height of a structure or tree, or the establishing or maintaining of any other airport hazard as defined in this division, than is imposed by other ordinances or regulations applicable to the same area or location, the provisions of this division shall govern and prevail.
(Ord. No. 6687, § 19, 6-19-72)

Sec. 3-210. Amendments.

This division may be amended or changed by the joint airport zoning board for the Dallas-Fort Worth International Airport except as otherwise provided by the Airport Zoning Act, article 46e, Revised Civil Statutes, after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision in which is located the airport hazard area.
(Ord. No. 6687, § 21, 6-19-72)
Secs. 3-211--3-225. Reserved.

DIVISION 3. MEACHAM FIELD

Sec. 3-226. Title.

This division shall be known and may be cited as the "Airport Zoning Ordinance of the Meacham Field Airport."
(Ord. No. 101, § I, 7-22-74)

Sec. 3-227. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative agencies shall mean those agencies which have the responsibility for the administration and enforcement of this division.

Airport shall mean the Meacham Field Municipal Airport, located in Tarrant County, Texas.

Airport elevation shall mean the established elevation of the highest point on the usable landing area, such elevation being seven hundred ten (710) feet above mean sea level.

Airport hazard shall mean any structure, tree, installation, electronic and/or visual interference, or use of land or water which obstructs the airspace required for the flight of

aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

Airport hazard area shall mean any area of land or water upon which an airport hazard might be established if not prevented as provided in this division.

Airport zone shall mean the space between the earth's surface and the imaginary surfaces as established in section 3-229.

Airport zoning commission shall mean the commission appointed by the joint airport zoning board to make a preliminary report, hold public hearings thereon and make a final report and recommendation to the board.

Board of adjustment shall mean a board consisting of five (5) members appointed by the joint airport zoning board as provided by article 46e-10, Revised Civil Statutes.

Height. For the purpose of determining the height limits in all zones set forth in this division and shown on the zoning map, the datum shall be measured in feet above mean sea level elevation unless otherwise specified.

Installation shall mean any electronic or visual interference that is not included within the definition of *structure* or *tree*.

Joint airport zoning board shall mean a board having as members two (2) representatives appointed by each political subdivision participating in its creation and in addition a chairman elected by a majority of the members so appointed.

Nonconforming use shall mean any structure, tree or use of land which is lawfully in existence at the time the regulation prescribed in this division or any amendment thereto becomes effective and which does not meet the requirements of such regulation.

Political subdivision shall mean any municipality, city, town, village or county.

Runway shall mean the surface of an airport designated for the landing and taking off of aircraft.

Structure shall mean an object permanently or temporarily constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Tree shall mean any object of natural growth.

Zoning map shall mean "The Zoning Map for Meacham Field Municipal Airport, City of Fort Worth, Texas."

(Ord. No. 101, § II, 7-22-74)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 3-228. Incorporation of zoning map.

The zoning map for the airport, Carter and Burgess, Inc., Engineers-Planners, dated June, 1970, Revised April, 1972, same being marked as Exhibit A, is hereby incorporated in this division and attached to this division for all purposes incident to the administration concerning and enforcement of this division.

(Ord. No. 101, § III, 7-22-74)

Sec. 3-229. Imaginary surfaces.

The following imaginary surfaces are established to implement the provisions of this division. The dimensions, elevations above mean sea level, slopes and radii applicable to the imaginary surfaces shall be as shown on the zoning map.

- (1) *Primary surface*: A surface longitudinally centered on a runway, and extending beyond the ends of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.
 - (2) *Horizontal surface*: A horizontal plane surface one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.
 - (3) *Conical surface*: A surface extending outward and upward from the entire perimeter of the horizontal surface at a specified slope and for a specified distance.
 - (4) *Approach surface*: A surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface for a specified distance at a specified slope, and expands its horizontal dimension uniformly to a specified width.
 - (5) *Transitional surface*: A surface extending outward and upward at right angles to the runway center line and the runway center line extended at a specified slope from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the conical surfaces extend a specified distance measured horizontally from the edge of the approach surface and at right angles to the runway center line.
- (Ord. No. 101, § IV, 7-22-74)

Sec. 3-230. Height limitations.

Except as otherwise may be provided in this division, no structure, tree or installation shall be erected, altered, allowed to grow or be maintained within the airport hazard area which will be above the imaginary surfaces as established by and shown on the zoning map.

(Ord. No. 101, § V, 7-22-74)

Sec. 3-231. Use restrictions.

Notwithstanding any other provision of this division, no use may be made of land or water nor installation placed on land or water within the airport hazard area that will create interference with radio communication between the airport and aircraft; or that will create interference with any air navigation facility, airport visual approach or landing aid, aircraft arresting device or meteorological device; or that will result in glare in the eyes of flyers using the airport; or that will impair visibility in the vicinity of the airport, attract birds, or that will otherwise endanger the landing, taking off or maneuvering of aircraft operating through the facilities of the airport. No other airport or landing field shall be constructed within the airport hazard area; nor shall any area of land or water within the airport hazard area be used for landing and taking off of aircraft, except under specific Federal Aviation Administration approval unless the same has been issued a valid nonconforming use permit. Structures, trees, installations or land uses lawfully existing prior to the effective date of this division which do not conform to the requirements of this division shall be considered as legal nonconforming uses. This division shall not be construed to require the removal, lowering, change or alteration of any legal nonconforming use, structure, tree or installation. A permit shall be required for a legal nonconforming use and shall be issued on application of the owner or agent accompanied

by affidavit that the use, structure, tree or installation was in existence on the effective date of this division. Applications for permits for nonconforming uses shall be made within one hundred eighty (180) days from the effective date of this division.
(Ord. No. 101, § VI, 7-22-74)

Sec. 3-232. Permits required.

Before any new structure or use which could be defined as an airport hazard under this division may be constructed or established and before any such existing use or structure may be increased in height or otherwise altered, a permit to do so must be secured by the owner involved or his agent. All permit applications shall be made to the administrative agency having jurisdiction, or their designated representatives under section 3-236. If any administrative agency issues a permit erroneously allowing the beginning of erection of any structure or tree, such permit shall not constitute a variance or be construed in any manner to allow any person to penetrate the imaginary surfaces established. It will remain incumbent on the sponsor, builder, property owner or their agents, as the case may be, to prevent the creation of any object or use that will cause an airport hazard within the meaning of this division.

(Ord. No. 101, § VIII, 7-22-74)

Sec. 3-233. Division not relieve owner, etc., of duty to give notice to FAA.

Nothing in this division shall be construed as relieving any owner, sponsor, agent or user from the requirement for filing a notice of proposed construction, alteration or use with the appropriate Federal Aviation Administration authority.

(Ord. No. 101, § IX, 7-22-74)

Sec. 3-234. Variances.

Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of this division may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this division; provided that any variances allowed shall be subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this division.

(Ord. No. 101, § X, 7-22-74)

Sec. 3-235. Hazard marking and lighting.

Any permit granted under this division may, if such action is deemed advisable to effectuate the purposes of this division and reasonable in the circumstances, be so conditioned as to require the owner of the structure, tree or installation in question to permit the proper authority to install, operate and maintain thereon such markers and lights as the board may find necessary to indicate the presence of the airport hazard.

(Ord. No. 101, § XI, 7-22-74)

Sec. 3-236. Administrative agencies.

The administration and enforcement of the provisions of this division and all regulations adopted by the joint airport zoning board are vested in the governing bodies of each of the political subdivisions represented on the board which have respectively adopted by ordinance such provisions and regulations. Each such political subdivision shall:

- (1) Establish its own administrative and enforcement agency;
- (2) Designate another political subdivision to administer and enforce these regulations in its behalf; or
- (3) Request the joint airport zoning board to designate an agency to act in this capacity in its behalf.

(Ord. No. 101, § XII, 7-22-74)

Sec. 3-237. Rules of procedure.

The joint airport zoning board shall adopt rules and procedure to govern its actions and to inform permit applicants and administrative agencies and officials of the procedures required in connection with issuance of permits.

(Ord. No. 101, § XIII, 7-22-74)

Sec. 3-238. Board of adjustment.

(a) There is hereby created a board of adjustment to have and exercise the following powers:

- (1) To hear and decide appeals from any order, requirement, decision or determination made in the enforcement of this division;
- (2) To hear and decide special exceptions to the terms of this division upon which such board of adjustment may be required to pass by subsequent regulations;
- (3) To hear and decide specific variances.

(b) The board of adjustment shall consist of five (5) members, each to be appointed by the joint airport zoning board for a term of two (2) years and removable for cause by such joint airport zoning board upon written charges and after public hearing. Vacancies shall be filled by such joint airport zoning board for the unexpired term of any member whose term becomes vacant. The chairman of the board of adjustment shall be elected by and from the members of the board of adjustment.

(c) The board of adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this division. Meetings of the board of adjustment shall be held at the call of the chairman and at such times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board of adjustment, and shall be a public record.

(Ord. No. 101, § XIV, 7-22-74)

Sec. 3-239. Appeals.

(a) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this division, or any governing body of a political subdivision, or any joint airport zoning

board, which is of the opinion that a decision of such administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(b) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the administrative agency and with the board of adjustment a notice of appeal specifying the grounds thereof. The administrative agency shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative agency certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the board of adjustment on notice to the administrative agency and on due cause shown.

(d) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appeal in person or by agent or by attorney.

(e) The board of adjustment may, in conformity with the provisions of this division, reverse or affirm, wholly or partly, or modify, the order, requirement decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative agency.

(f) The board of adjustment shall make written findings of fact and conclusions of law, giving the facts upon which it acted and its legal conclusions from such facts in reversing or affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this division.

(g) The concurring vote of four (4) members of the board of adjustment shall be necessary to reverse or modify any order, requirement, decision or determination of the administrative agency or to decide in favor of the applicant concerning any matter upon which it is required to pass under the provisions of this division or to effect any variation in the application of the provisions of this division.

(Ord. No. 101, § XV, 7-22-74)

Sec. 3-240. Judicial review.

Any person aggrieved or taxpayer affected by any decision of the board of adjustment or any governing body of a political subdivision or administrative agency or the joint airport zoning board which is of the opinion that a decision of the board of adjustment is illegal may, within ten (10) days after the decision is filed in the office of the board, present a verified petition to a court of competent jurisdiction for relief in a manner as provided in article 46e-11, Revised Civil Statutes.

(Ord. No. 101, § XVI, 7-22-74)

Sec. 3-241. Enforcement and remedies.

In addition to any other authorized remedies, the political subdivision or agency adopting the zoning regulations in this division may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of the provisions of this division or to enforce such provisions and may be granted such relief, by way of injunction or otherwise, as may be proper under all the facts and circumstances of the case.

(Ord. No. 101, § XVII, 7-22-74)

Sec. 3-242. Penalties.

Each violation of any provision of this division or of any regulation, order or ruling promulgated under this division shall constitute a misdemeanor and be punishable as provided in section 1-6 of this Code. Jurisdiction for any offense providing a penalty under this division shall lie in the municipal court in the municipality in which the violation occurs; however, if the offense occurs in an area not incorporated within a municipality, jurisdiction shall lie in the justice of the peace court of the precinct in which the offense occurs.

(Ord. No. 101, § XVIII, 7-22-74)

Sec. 3-243. Conflicting regulations.

Where this division imposes a greater or more stringent restriction upon the use of land, height of a structure or tree, or the establishing or maintaining of any other airport hazard as defined in this division, than is imposed by other ordinances or regulations applicable to the same area or location, the provisions of this division shall govern and prevail.

(Ord. No. 101, § XIX, 7-22-74)

Secs. 3-244--3-259. Reserved.

DIVISION 4. FORT WORTH ALLIANCE AIRPORT ZONING OVERLAY DISTRICT*

***Editor's note:** Ord. No. 10121, § 1, adopted June 2, 1988, repealed Ord. No. 10078, adopted March 15, 1988, which had comprised Div. 4, §§ 3-260--3-274, concerning North Fort Worth Airport Zoning Overlay District. Section 2 of Ord. No. 10121 added a new Div. 4 as herein set out.

Sec. 3-260. Short title.

This division shall be known and may be cited as the "Fort Worth Alliance Airport Fort Worth Overlay Zoning District."

(Ord. No. 10121, § 2, 6-2-88)

Sec. 3-261. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Airport Zoning Act, Chapter 241 of the Local Government Code of the State of Texas, as amended.

Airport means the area of land located within the City of Fort Worth referred to as the Fort Worth Alliance Airport which is designed and set aside for the landing and taking off of aircraft, and used or to be used in the interest of the public for such purpose. The term includes an area with installations relating to flights, including installations, facilities and bases of operations for tracking flights or acquiring data concerning flights.

Airport hazard means a structure or object of natural growth that obstructs the airspace required for the taking off, landing and maneuvering of aircraft or that interferes with visual, radar, radio or other systems for tracking, acquiring data relating to, monitoring or controlling aircraft.

Airport height control area means the Fort Worth Alliance Airport height control area more particularly described on Exhibit "A" to Ordinance No. 10121.

City means the City of Fort Worth, Texas.

Compatible land use means a use of land adjacent to the airport that does not endanger the health, safety or welfare of the owners, occupants or users of the land because of levels of noise or vibrations or the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft.

Coverage means the percentage of gross lot area covered by a roof, floor or other structure.

Development zone means the Fort Worth Alliance Airport development zone more particularly described on Exhibit "B" to Ordinance No. 10121.

Director shall mean the director of the planning and development department of the city, or his designee.

Fort Worth Development Zone means that portion of the development zone located within the corporate limits of the city.

Floor area ratio means the quotient of the net floor area divided by the gross lot area.

Gross lot area means the total ground area of the site, from property line to property line, including any ground area subject to any easement or license.

Net floor area means the area in the various floors of a building, measured between the exterior faces of the building, including mezzanines and interior balconies, but excluding:

- (i) All basements, sub-basements and cellars whose ceilings are at or below grade (ground level of the finished building);
- (ii) All interior spaces devoted exclusively to vehicular parking and loading and all access ramps and maneuvering areas accessory thereto;
- (iii) All arcades which have at least a fourteen (14) foot ceiling and are open to public traverse during the normal business hours of the building;
- (iv) All courts;
- (v) All shafts as defined in the building code of the city;
- (vi) All stairwells; and
- (vii) Customary accessory uses such as elevator penthouses or bulkheads, mechanical equipment cooling towers or tanks and ornamental cupolas and domes erected on the top of a building.

Obstruction means a structure, growth or other object, including a mobile object, that exceeds a limiting height established by federal regulations or by this division.

Site means the total area of a lot or tract of land, from property line to property line, including any land subject to any easement or license. A site shall be a homogeneous parcel under single ownership or unified control.

Structure means an object constructed or installed by one or more persons and includes a building, tower, smokestack and overhead transmission line.

Zoning map means the "Fort Worth Alliance Airport Zoning Map."
(Ord. No. 10121, § 2, 6-2-88; Ord. No. 17522, § 5, 4-24-07)

Sec. 3-262. Incorporation of zoning maps.

The zoning maps, including legal descriptions of the airport height control area and the airport development zone, marked Exhibit "A" and Exhibit "B," respectively, to this division, are hereby incorporated in this division and attached to this division for all purposes incident to the administration and enforcement of this division.

(Ord. No. 10121, § 2, 6-2-88)

Editor's note: Exhibit "A" and Exhibit "B" to Ordinance No. 10121, the ordinance enacting this division, are not included herein but are kept on file and available for public inspection at the office of the city clerk.

Sec. 3-263. General provisions.

This division imposes airport compatible land use zoning regulations on the development zone that are in addition to existing or future use regulations, if any, applicable in the development zone because of any underlying zoning classifications enacted by any political subdivision. All uses permitted by any underlying zoning classifications shall be permitted in the development zone unless such uses are prohibited by this division or are otherwise in conflict with or are inconsistent with this division, in which case this division shall control.

This division imposes airport height control area zoning regulations on the airport height control area that are in addition to existing or future height regulations, if any, applicable in the airport height control area because of any underlying zoning classifications enacted by any political subdivision. All height regulations imposed by any underlying zoning classifications shall apply in the airport height control area unless such regulations are in conflict with or are inconsistent with this division, in which case (i) if the conflict or inconsistency affects land in the development zone, this shall control, or (ii) if the conflict or inconsistency affects land outside the development zone, the more stringent regulations shall control.

(Ord. No. 10121, § 2, 6-2-88)

Sec. 3-264. Development zone and airport height control area.

The airport height control area zoning regulations set forth in this division shall apply to the airport height control area. The airport compatible land use zoning regulations set forth in this division shall apply to the development zone.

(Ord. No. 10121, § 2, 6-2-88)

Sec. 3-265. Compatible land use regulations.

(a) All uses from time to time permitted by any underlying zoning classifications, if any, enacted by political subdivisions and applicable to the development zone shall be

permitted in the development zone except the following uses which are prohibited in this development zone:

(1) All residential uses; provided, however, residential uses that are incidental to or ancillary to the operation of the airport or to the conduct of the aviation-related activities, including for example and without limitation, crew rest quarters and temporary housing for aviation trainees permitted by this division, shall be permitted as a matter of right in the development zone.

(2) All educational uses, including, but not limited to, public and private schools, kindergartens and child care facilities, colleges and universities, and vocational schools; provided however, notwithstanding the foregoing, (i) schools for flight instruction or for vocations associated with the airport, airplanes or aviation-related activities and (ii) facilities for employee or client training or instruction related to services or products associated with the business of the entity providing such training or instruction (provided such training or instruction is not the primary business of such entity) shall be permitted as a matter of right in the development zone.

(3) Hospitals; nursing homes, institutions or any other facilities providing convalescent or rehabilitative care; establishments for the care, treatment or rehabilitation of alcoholic, narcotic or psychiatric patients; residence homes for the aged; and institutions, homes or rehabilitation centers for persons convicted of crimes; provided, however, notwithstanding anything contained herein to the contrary, medical, dental or optical clinics for the examination, consultation or treatment of patients, medical laboratories, establishments for the sale or rental of or industrial facilities for the manufacture of medical or optical supplies and equipment, pharmacies, veterinarian clinics and related facilities, emergency medical facilities operated by or in connection with the airport shall be permitted as a matter of right in the development zone.

(b) Heliports, helistops and any other facilities for the landing and taking off of helicopters, and accessory uses thereto, shall be permitted as a matter of right in the development zone; provided, however, no heliport, helistop or other facility for the landing and taking off of helicopters shall be located within one thousand (1,000) feet of any church, library or public park. The city council of the city may, however, approve the location of a heliport, helistop or other facility for the landing and taking off of helicopters that is less than one thousand (1,000) feet from any church, library or public park.

(c) Hotels and motels shall be permitted as a matter of right in the development zone without the imposition of limitations or conditions.

(d) No use may be made of land or water within the development zone that will create electrical interference with navigational signals or radio communication between the airport and aircraft, or that will create interference with any internavigation facility, airport visual approach or landing aid, aircraft arresting device or meteorological device, or that will make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off or maneuvering of aircraft using the airport.

(e) Setback requirements applicable in the Fort Worth development zone shall be as follows:

- (1) *Front yard setback:* If the site contains two (2) acres or less, a minimum front yard of thirty (30) feet shall be required; if the site contains more than two (2) acres, a minimum front yard of fifty (50) feet shall be required.
- (2) *Rear yard setback:* A minimum rear yard of twenty-five (25) feet shall be required.
- (3) *Side yard setback:* A minimum side yard of twenty-five (25) feet shall be required for at least one side yard. If one side yard measures at least twenty-five (25) feet, the other side yard may be reduced to a minimum of ten (10) feet.
- (f) Landscaping requirements applicable in the Fort Worth development zone shall be as follows: A minimum of five (5) percent of the aggregate gross area in required front, side and rear yards shall be landscaped in such a way as to preserve and enhance natural beauty, environment and open space.
- (g) Site plan requirements applicable in the Fort Worth development zone shall be as follows: As a condition to obtaining a building permit, a property owner shall submit to the city a site plan or development plan evidencing the compliance of any proposed structure with applicable zoning code and building code requirements of the city. The city shall approve all plans that evidence compliance with applicable zoning code and building code requirements.
- (h) No coverage requirements shall be applicable in the Fort Worth development zone. (Ord. No. 10121, § 2, 6-2-88)

Sec. 3-266. Height regulations.

All structures hereafter erected, reconstructed, altered or enlarged in the airport height control area, and all objects of natural growth placed, replaced, planted, replanted or altered in the airport height control area, shall comply with height restrictions, rules and regulations from time to time promulgated by the Federal Aviation Administration (the "FAA"). The airport height control area shown on the zoning map is hereby adopted and shall be automatically amended from time to time to be in conformity with the height regulations, restrictions and rules promulgated from time to time by the FAA. Except as limited by the foregoing FAA height restrictions, rules and regulations, all structures located in the Fort Worth development zone may be erected, reconstructed, altered or enlarged to a height limited only by a floor area ratio of 12.0. (Ord. No. 10121, § 2, 6-2-88)

Sec. 3-267. Administrative agency.

The director of the planning and development department of the city or his designee (the "director") is hereby designated as the administrative agency to administer and enforce the airport height control area zoning regulations and airport compatible land use zone regulations prescribed by this division and to hear and decide all applications for permits made pursuant to this division. The director may not exercise any of the powers herein delegated to the Fort Worth Alliance Airport Board of Adjustment. (Ord. No. 10121, § 2, 6-2-88; Ord. No. 17522, § 5, 4-24-07)

Sec. 3-268. Nonconforming uses and structures.

- (a) *Regulations not retroactive.* Notwithstanding any restrictions contained in this division to the contrary, this division shall not be construed (i) to require changes in nonconforming land use existing on the effective date hereof; (ii) to require the removal,

lowering or other change of any structure that does not conform to this division on the effective date hereof, including all phases or elements of a multiphase structure, regardless of whether actual construction has commenced, that received a determination of no hazard by the FAA before the effective date hereof; (iii) to require the removal, lowering, or other change of an object of natural growth that does not conform to this division on the effective date hereof; or (iv) to interfere with the continuation of a use that does not conform to this division on the effective date hereof.

(b) *Marking and lighting.* Notwithstanding the provisions of section 3-268(a), the director or the Fort Worth Alliance Airport board of adjustment may, in its reasonable discretion, require, as a condition to the issuance of a permit by the director or the grant of a variance by the board, that the owner of a structure or object of natural growth allow the installation, operation and maintenance thereon of any markers and lights that the director or board deems necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of an airport hazard. Such markers and lights shall be installed, operated and maintained at the expense of the city.

(c) *Abandonment or destruction.*

(1) Whenever the director determines that a legal nonconforming use of a structure has been discontinued or abandoned for a continuous period exceeding twelve (12) calendar months, such discontinued or abandoned use shall not thereafter be resumed, continued, or reestablished.

(2) Whenever the director determines that a legal nonconforming structure ceases to be used in a bona fide manner for a period exceeding twelve (12) calendar months, such nonconforming structure shall not thereafter be used or occupied until such structure fully complies with this division.

(3) Whenever the director determines that a legal nonconforming object of natural growth has been abandoned for a period exceeding twelve (12) calendar months, such nonconforming object of natural growth shall not thereafter be allowed to remain unless it fully complies with this division.

(4) Whenever the director determines that more than seventy-five (75) percent of a legal nonconforming structure or legal nonconforming object of natural growth has been destroyed or torn down or become physically deteriorate or decayed, such nonconforming structure or nonconforming object of natural growth shall not be rebuilt, repaired, or replaced in violation of this division.

(5) A legal nonconforming use, if changed to a conforming use, shall not thereafter be changed back to a nonconforming use.

(Ord. No. 10121, § 2, 6-2-88)

Sec. 3-269. Permits.

(a) *Permit required.* The owner of any property located within the development zone or the airport height control area shall obtain a permit issued by the director before:

(1) A nonconforming structure may be replaced, rebuilt, substantially changed, or substantially repaired;

(2) A nonconforming object of natural growth may be replaced, substantially changed, allowed to grow higher, or replanted;

(3) A new structure is constructed; or

(4) An existing structure is substantially repaired or substantially changed.

(b) *Issuance of permits.* Except as prohibited by section 3-269(c), below, the director shall issue a permit if the owner files an application certifying the use to which the property will be put (which certified use must be permitted by this division) and including reasonable written evidence that the height of all structures and objects of natural growth are in compliance with this division. The permits required by this section are in addition to, and not in lieu of, any other permits required by the city or by any other city located within the airport height control area or development zone. The director shall act upon each permit application within fifteen (15) calendar days from the filing date thereof. If a permit application has not been disapproved by the director in writing within such fifteen-day period, the permit application shall be deemed to have been approved by the director. A certificate showing the filing date of a permit application and the failure to disapprove same within the period herein required shall on demand be immediately issued by the director, and such certificate shall be sufficient in lieu of any other evidence of permit application approval otherwise provided by the director. The director shall not impose any charge or fee for obtaining a permit applicable to property located within the corporate limits of another city or town without the prior consent of such city or town.

(c) *No permits allowed [for certain uses].* The director shall have no power or authority to issue a permit that allows:

- (1) The creation or establishment of an airport hazard;
- (2) Any use prohibited by this division;
- (3) A nonconforming structure or nonconforming object of natural growth to become higher than it was as of the effective date hereof or at the time of the application for the permit; or
- (4) A nonconforming structure or nonconforming object of natural growth to become a greater hazard to air navigation than it was as of the effective date hereof or at the time of the application for the permit.

(Ord. No. 10121, § 2, 6-2-88)

Sec. 3-270. Board of adjustment.

(a) *Creation of the board.* The existing zoning board of adjustment for the city is hereby designated as the Fort Worth Alliance Airport Board of Adjustment (hereinafter called the "board"). The board shall adopt rules consistent with this division and the Act. The board may set reasonable fees for the applications filed before it. Meetings of the board shall be held at the call of the chairman and at other times as determined by the board. The chairman or acting chairman may administer oaths and compel the attendance of witnesses. All hearings of the board shall be open to the public. The board shall keep records of its examinations and other official actions, including minutes of its proceedings indicating the vote of each member on each question or indicating a member's absence or failure to vote. Minutes and records shall be public documents and shall be filed immediately in the board's office. The board shall have and exercise the following (and only the following) powers:

- (1) To hear and decide appeals from an order, requirement, decision or determination made by the director in the enforcement or administration of the airport height control area zoning regulations and airport compatible land use zoning regulations contained in this division; and

(2) To hear and decide specific variance applications under this division.

The concurring vote of at least four-fifths (4/5) of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the director or to grant a variance under this division.

(b) *Appeal to the board.*

(1) An order, requirement, decision or determination made by the director in the enforcement or administration of this division may be appealed to the board by (i) a person aggrieved by the order, requirement, decision or determination; (ii) a taxpayer affected by the order, requirement, decision or determination; or (iii) the city council of the city if the council believes the order, requirement, decision or determination is an improper application of this division.

(2) The appellant must file with the board and with the director a notice of appeal, specifying the grounds for such appeal, within a reasonable time as determined by the rules of the board. Upon receipt of the appellant's notice, the director shall immediately transmit to the board copies of all papers constituting the director's record of the action that is the subject of the appeal.

(3) An appeal stays all proceedings in furtherance of the action that is the subject of the appeal unless the director certifies in writing to the board facts supporting the opinion of the director that a stay would cause imminent peril to life or property. In such case, the proceedings may be stayed only by an order of the board, after notice to the director, if due cause is shown.

(4) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time as determined by the rules of the board.

(5) The board may reverse or affirm, in whole or in part, or modify the director's order, requirement, decision or determination from which the appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the board has the same authority as the director.

(6) The board shall file as part of its records written conclusions stating the facts upon which it relied when reversing, affirming or modifying any order, requirement, decision or determination of the director or when granting or denying any variance under this division.

(Ord. No. 10121, § 2, 6-2-88)

Cross references: Zoning board of adjustment, App. A, § 20.

Sec. 3-271. Variances.

(a) Any person who desires to erect or increase the height of a structure, permit growth of an object of natural growth or otherwise use property located within the development zone or the airport hazard area in violation of the height restrictions imposed by this division or in violation of the use restrictions imposed by section 3-265(d), (e) or (f) of this division may apply to the board for a variance.

(b) The board shall allow a variance from the height restrictions imposed by this division or from the use regulations imposed by section 3-265(d), (e) or (f) of this division if:

- (1) A literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship; and
 - (2) The granting of the relief would (i) result in substantial justice being done; (ii) not be contrary to the public interest; and (iii) be in accordance with the spirit of this division and the Act; provided, however, the board may impose any reasonable conditions (including, but not limited to, the conditions described in section 3-268(b) hereof) on the granting of the variance that the board considers necessary to accomplish the purposes of the Act.
- (Ord. No. 10121, § 2, 6-2-88)

Sec. 3-272. Judicial review.

Any person who is aggrieved or any taxpayer who is affected by a decision of the board, or the city council of the city if the council believes that a decision of the board is illegal, may appeal to a court of competent jurisdiction as provided under Chapter 241, Subchapter D, of the Local Government Code of the State of Texas.

(Ord. No. 10121, § 2, 6-2-88)

Sec. 3-273. Enforcement and remedies.

The city council of the city may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this division or any violation of any order, requirement, decision or determination made by the director in connection with the administration or enforcement hereof, including, but not limited to, an action for injunctive relief as provided by Section 241.044 of the Local Government Code of the State of Texas.

(Ord. No. 10121, § 2, 6-2-88)

Sec. 3-274. Penalties.

Each violation of this division shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues to exist shall constitute a separate offense. Jurisdiction for any offense providing a criminal penalty hereunder shall be in the municipal court of the city.

(Ord. No. 10121, § 2, 6-2-88)

Secs. 3-275--3-279. Reserved.

APPENDIX K

REAL ESTATE DISCLOSURE

This appendix includes information regarding Real Estate Disclosure. The following information is included in this appendix:

- Louisiana – Seller's Disclosure of Property Condition
- Addendum for Seller's Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards as Required by Federal Law
- State of Alaska – Residential Real Property Transfer Disclosure Statement
- Aviation Noise Law – Real Estate Transfer Disclosures in California
- Real Estate Transfer Disclosure Statement
- Bob Hope Airport – Real Estate Information Form
- Hawaii Statute 508D – Mandatory Seller Disclosures in Real Estate Transactions
- North Carolina – Residential Property Disclosure Statement
- The Raleigh-Durham Airport Authority – Aircraft Noise Notification
- A list of Louisiana Real Estate Commission Members

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Property Description (Address, City, State, Zip) _____

INFORMATIONAL STATEMENT FOR LOUISIANA RESIDENTIAL PROPERTY DISCLOSURE

In accordance with Act 308 of the 2003 Louisiana Legislature (LSA-R.S. 9:3195-3199), effective July 1, 2004, a seller of residential real property must furnish purchasers with a Property Disclosure Document. A complete copy of these statutes can be found at www.legis.state.la.us. The required Property Disclosure Document may be in the form promulgated by the Louisiana Real Estate Commission ("Commission") or in another form that contains substantially the same information. The Commission form can be found at www.lrec.state.la.us.

Who is required to make disclosure?

A seller's obligation to furnish a Property Disclosure Document applies to any transfer of any interest in residential real property, whether by sale, exchange, bond for deed, lease with option to purchase, etc.

The following transfers are exempt from the requirement to provide a Property Disclosure Document:

1. Court order transfers;
2. Transfers to a mortgagee by a mortgagor or successor in interest who is in default;
3. Transfers by a mortgagee who has acquired the property at a sale conducted pursuant to a decree of foreclosure or by deed in lieu of foreclosure;
4. Transfers by a fiduciary in the course of administration of a decedent's estate, guardianship, conservatorship or trust;
5. Transfers of new constructed property;
6. Transfers from one or more co-owners solely to one or more of the remaining owners;
7. Transfers pursuant to a testate or intestate succession;
8. Transfers of property that will be converted into a use other than residential;
9. Transfers of property to a spouse or relative in the bloodline;
10. Transfers between spouses resulting from a judgment of divorce or separate maintenance;
11. Transfers to or from any governmental entity;
12. Transfers from an entity that has acquired title or assignment of a real estate contract to assist the owner in relocation as long as the entity makes available certain disclosure documents;
13. Transfers to an inter vivos trust;
14. Acts that, without changing ownership, confirm, correct, modify or supplement a deed or conveyance already recorded.

EXEMPTION: In accordance with Act 308 of the 2003 Louisiana Legislature, the **SELLER** of said property is exempt from the requirement to provide a Property Disclosure Document.

Seller (sign) _____ (print) _____ Date _____ Time _____
Seller (sign) _____ (print) _____ Date _____ Time _____

Rights of Purchaser and Consequences for Failure to Disclose

If the property disclosure document is delivered after the purchaser makes an offer, the purchaser can terminate any resulting real estate contract or withdraw the offer for up to 72 hours after receipt of the Property Disclosure Document. This termination or withdrawal will always be without penalty to the purchaser and any deposit or earnest money must be promptly returned to the purchaser (despite any agreement to the contrary).

Duties of Real Estate Licensees and Consequences for Failure to Fulfill Such Duties

Louisiana law requires real estate licensees to inform their clients of those clients' duties and rights in connection with the Property Disclosure Document discussed above. Failure to inform could subject the licensee to censure or suspension or revocation of their license, as well as fines. The licensee is not liable for any error, inaccuracy, or omission in a Property Disclosure Document, unless the person has actual knowledge of the error, inaccuracy, or omission by the seller.

Other Important Provisions of the Law

- A Property Disclosure Document shall not be considered a warranty by the seller.
- A Property Disclosure Document is for disclosure purposes only; it is not intended to be part of any contract between the seller and the purchaser.
- The Property Disclosure Document may not be used as a substitute for any inspections or warranties that the purchasers or seller may obtain.
- Nothing in this law precludes the rights or duties of a purchaser to inspect the physical condition of the property.

Key Definitions

- **Residential real property** is real property consisting of one or not more than four residential dwelling units, which are buildings or structures each of which are occupied or intended for occupancy as single-family residences.
- **Known defect** is a condition found within the property that was actually known by the seller and that results in one or all of the following:
 - (a) It has a substantial adverse effect on the value of the property.
 - (b) It significantly impairs the health or safety of future occupants of the premises.
 - (c) If not repaired, removed, or replaced, significantly shortens the expected normal life of the premises.

Property Description (Address, City, State, Zip) _____

PROPERTY DISCLOSURE DOCUMENT FOR RESIDENTIAL REAL ESTATE

Answer all questions to the best of your knowledge. Explain any "yes" answers fully at the end of each section.

Y = yes N = no NK = no knowledge

SECTION 1: LAND

- (1) Lot size or acres _____
- (2) Are there any servitudes/encroachments regarding the property, other than typical/customary utility servitudes, that would affect the use of the property? ☐ Y ☐ N ☐ NK
- (3) Are there any rights vested in others? Check all that applies and explain at the end of this section.
- | | | | |
|----------------------------|---|-----------------|---|
| Timber rights | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK | Common driveway | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK |
| Right of ingress or egress | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK | Mineral rights | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK |
| Right of way | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK | Surface rights | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK |
| Right of access | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK | Air rights | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK |
| Servitude of passage | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK | Usufruct | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK |
| Servitude of drainage | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK | Other _____ | <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK |
- (4) Has any part of the property been determined a wetland by the United States Army Corps of Engineers under §404 of the Clean Water Act? ☐ Y ☐ N ☐ NK
- (a) Is such a determination pending? ☐ Y ☐ N ☐ NK
- (b) What date was determination made? _____

The Clean Water Act is a federal law that protects the wetlands of the United States. Section 404 of the Act contains permit requirements for altering or building on property that has been determined a wetland by the Army Corps of Engineers. The Corps may assess a fee to the **SELLER** or **PURCHASER** of a property for this determination. A property that has been determined a wetland may result in additional costs for a Section 404 permit. Documentation is attached and becomes a part of this property disclosure if the property described herein has been determined a wetland by the Corps.

- (5) Has any flooding, water intrusion, accumulation, or drainage problem been experienced with respect to the land? If yes, indicate the nature and frequency of the defect at the end of this section. ☐ Y ☐ N ☐ NK
- (6) What is/are the flood zone classification(s) of the property? _____
- (a) What is the source and date of this information? (Check all that apply.) ☐ Survey/Date _____
- ☐ Flood Elevation Certificate/Date _____

Question Number Explanation of "Yes" answers ☐ Additional sheet is attached

SECTION TWO: TERMITES, WOOD-DESTROYING INSECTS AND ORGANISMS

- (7) Has the property ever had termites or other wood-destroying insects or organisms? ☐ Y ☐ N ☐ NK
- (8) Was there any damage to the property? ☐ Y ☐ N ☐ NK
- (9) Was the damage repaired? ☐ Y ☐ N ☐ NK
- (10) Is the property currently under a termite contract? ☐ Y ☐ N ☐ NK
- (a) Name of company _____
- (b) Date contract expires _____
- (c) List any structures not covered by contract _____

Question Number Explanation of "Yes" answers ☐ Additional sheet is attached

Property Description (Address, City, State, Zip) _____

Y = YES N = NO NK = NO KNOWLEDGE

SECTION 3: STRUCTURE

(11) Are there any defects regarding the following? (Check all that apply and explain at the end of this section.)

Roof	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Ceilings	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Interior walls	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Exterior walls	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Floor	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Foundation	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Attic spaces	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Basement	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Porches	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Overhangs	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Steps/Stairways	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Railings	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Pool	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Spa	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Decks	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Patios	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK
Windows	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK	Other _____	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NK

(12) Has any structure on the property ever taken water by flooding (rising water or otherwise)? If yes, give the nature and frequency of the defect at the end of this section. ☐ Y ☐ N ☐ NK

(13) Is there flood insurance on the property? ☐ Y ☐ N ☐ NK

(a) ☐ Flood Insurance Policy/Date _____ ☐ Other _____/Date _____

(b) Does SELLER have a flood elevation certificate in SELLER'S possession that will be shared with BUYER? ☐ Y ☐ N ☐ NK

(14) What is the approximate age of all structures on the property? Main structure _____
Other structures _____

SELLER must complete and provide the "Disclosure on Lead-Based Paint and Lead-Based Paint Hazard Addendum" that is included with this property disclosure if any structure was built before 1978.

(15) What is the approximate age of the roof of each structure? Main structure _____
Other structures _____

(16) Does the property contain exterior insulation and finish system (EIFS) or other synthetic stucco? ☐ Y ☐ N ☐ NK

Question Number Explanation of "Yes" answers ☐ Additional sheet is attached

SECTION 4: PLUMBING, WATER, GAS, AND SEWERAGE

(17) Are there any defects with the plumbing system? ☐ Y ☐ N ☐ NK

(18) Are there any defects with the water piping? ☐ Y ☐ N ☐ NK

(a) Are there any defects with the water quality, quantity, or pressure? ☐ Y ☐ N ☐ NK

(b) The water is supplied by: ☐ Municipality ☐ Private utility ☐ On-site system ☐ Shared well system ☐ None

(c) If there is a well, when was the last time the water was tested? Date _____
Results _____

(19) Is there gas service available to the property/structure? ☐ Y ☐ N ☐ NK

(a) If yes, what type? ☐ Butane ☐ Natural ☐ Propane

(b) If yes, are there any defects with it? ☐ Y ☐ N ☐ NK

(20) Are there defects with any water heater? ☐ Y ☐ N ☐ NK

(a) Unit 1 _____ ☐ Gas ☐ Electric (b) Unit 2 _____ ☐ Gas ☐ Electric (c) Unit 3 _____ ☐ Gas ☐ Electric

(21) The sewerage service is supplied by: ☐ Municipality ☐ Other ☐ NK

SELLER must provide the attached "Disclosure of Information about Residential Sewage Treatment Systems Addendum" if the property described herein is not served by a municipality waste treatment.

Question Number Explanation of "Yes" answers ☐ Additional sheet is attached

LREC Rev. 01/01/11

Buyer's Initials: _____ Seller's Initials: _____

2 of 4

Property Description (Address, City, State, Zip) _____

Y = YES N = NO NK = NO KNOWLEDGE

SECTION 5: ELECTRICAL, HEATING AND COOLING, APPLIANCES

For major repairs or replacements relative to Section 5, list the date and nature of the repair or replaced component at the end of the section.

- (22) Are there any defects with the electrical system? ☐ Y ☐ N ☐ NK
- (23) Are there any defects with the heating or cooling systems? ☐ Y ☐ N ☐ NK
☐ Unit 1 ☐ Unit 2 ☐ Unit 3
- (24) What type of cooling system is installed? ☐ Central ☐ Window unit ☐ Other
(a) Source: ☐ Electric ☐ Gas ☐ Heat pump ☐ Other
☐ Unit 1 ☐ Unit 2 ☐ Unit 3
- (25) What type of heating system is installed? ☐ Central ☐ Window unit ☐ Other
(a) Source: ☐ Electric ☐ Gas ☐ Heat pump ☐ Other
☐ Unit 1 ☐ Unit 2 ☐ Unit 3
- (26) If a fireplace exists, is it working? ☐ Y ☐ N ☐ NK
(a) What type is it? ☐ Gas ☐ Wood ☐ Vented ☐ Ventless ☐ Electric ☐ Other
- (27) Are there any defects in any permanently installed or built-in appliances? ☐ Y ☐ N ☐ NK
- (28) What type of fire alarm system is installed? ☐ None ☐ Security/fire alarm ☐ Battery powered unit that includes a 10-year sealed lithium battery
- Question Number Explanation of "Yes" answers ☐ Additional sheet is attached
- _____
- _____
- _____

SECTION 6: MISCELLANEOUS

- (29) Has there been property damage related to the land or the improvements thereon, including, but not limited to, fire, windstorm, flood, hail, lightning, or other property damage? ☐ Y ☐ N ☐ NK
(a) If yes, were all related property damages, defects, and/or conditions repaired? ☐ Y ☐ N ☐ NK
- (30) What is the zoning of the property? _____
(a) Has it ever been zoned for commercial or industrial? ☐ Y ☐ N ☐ NK
(b) Is the property located in an historic district? ☐ Y ☐ N ☐ NK
- (31) Does the property and its present usage conflict with current zoning, building, and/or safety restrictions? ☐ Y ☐ N ☐ NK
- (32) Are there any current or pending assessments, dues, liens, taxes owing on the property? ☐ Y ☐ N ☐ NK
(a) Is membership in a homeowners' association (HOA), condominium owners' association (COA), or property owners' association (POA) required as the result of owning this property? ☐ Y ☐ N ☐ NK
(b) Are any HOA, COA, or POA dues required? ☐ Y ☐ N ☐ NK
(c) If yes, what is the amount? \$ _____ per _____ ☐ Y ☐ N ☐ NK
(d) Are there any pending special assessments? ☐ Y ☐ N ☐ NK
(e) If yes, what is the amount? \$ _____ per _____

Any information contained in this property disclosure regarding homeowners' associations (HOA), condominium owners' associations (COA), or property owners' associations (POA) is summary in nature. The covenants and association governing documents are a matter of public record and can be obtained from the conveyance records on file at the Clerk of Court in the parish where the property is located.

- (33) Are the streets accessing the property ☐ Private ☐ Public ? ☐ NK
- (34) Were any additions or alterations made to the property? ☐ Y ☐ N ☐ NK
(a) If yes, were the necessary permits and inspections obtained for all additions or alterations? ☐ Y ☐ N ☐ NK
- (35) Is there a homestead exemption in effect? ☐ Y ☐ N ☐ NK
- (36) Is there high speed Internet access available to the property? ☐ Y ☐ N ☐ NK
- (37) Is there any pending litigation regarding the property? ☐ Y ☐ N ☐ NK

LREC Rev. 01/01/11

Buyer's Initials: _____ Seller's Initials: _____

3 of 4

Property Description (Address, City, State, Zip) _____

(38) Does the property or any of its structures contain any of the following? (Check all that apply and provide the nature and frequency at the end of this section.)

Asbestos	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK	Formaldehyde	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK
Radon gas	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK	Chemical storage tanks	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK
Contaminated soil	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK	Contaminated water	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK
Hazardous waste	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK	Toxic Mold	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK
Mold/Mildew	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK	Pets	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK
Electromagnetic fields	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK	Crystal meth exposure	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK
Contaminated drywall/sheetrock	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK		
Other adverse materials or conditions	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NK		

Question Number Explanation of "Yes" answers ☐ Additional sheet is attached

(39) Was SELLER (or previous owner) a recipient of a Road Home grant? ☐ Y ☐ N ☐ NK

ACKNOWLEDGEMENTS

I/We attest that the above statements and explanations have been provided by me/us and are true and correct to the best of my/our knowledge. (If either party is represented by a real estate licensee, your signature below acknowledges that you have been informed of your duties and rights under LSA-R.S. 9:3195-3199 and have read and understand the informational statement.)

Seller(s) acknowledge(s) that the information contained herein is current as of this date.

Seller (sign) _____ (print) _____ Date _____ Time _____
Seller (sign) _____ (print) _____ Date _____ Time _____

Buyer(s) signing below acknowledge(s) receipt of this property disclosure.

Buyer (sign) _____ (print) _____ Date _____ Time _____
Buyer (sign) _____ (print) _____ Date _____ Time _____

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Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Property Description (Address) _____

City, State, Zip _____

Seller's Disclosure

(A) Presence of lead-based paint and/or lead-based paint hazards (check (1) or (2) below):

(1) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing

Explain: _____

(2) _____ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(B) Records and reports available to the seller (check (1) or (2) below):

(1) _____ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing

List documents: _____

(2) _____ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgment (initial below)

(C) _____ Purchaser has received copies of all information listed above.

(D) _____ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.

(E) Purchaser has (check (1) or (2) below):

(1) _____ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(2) _____ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (initial below)

(F) _____ Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Property Description (Address) _____
City, State, Zip _____

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Seller Date

Purchaser Date

Seller Date

Purchaser Date

Agent Date

Agent Date

**ADDENDUM FOR SELLER'S DISCLOSURE OF INFORMATION
ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS
AS REQUIRED BY FEDERAL LAW**CONCERNING THE PROPERTY AT _____
(Street Address and City)

- A. LEAD WARNING STATEMENT:** "Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-paint hazards is recommended prior to purchase."

NOTICE: Inspector must be properly certified as required by federal law.**B. SELLER'S DISCLOSURE:**

1. PRESENCE OF LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS (check on box only):
☐ (a) Known lead-based paint and/or lead-based paint hazards are present in the Property (explain): _____
☐ (b) Seller has no actual knowledge of lead-based paint and/or lead-based paint hazards in the Property.
2. RECORDS AND REPORTS AVAILABLE TO SELLER (check one box only):
☐ (a) Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the Property (list documents): _____
☐ (b) Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the Property.

C. BUYER'S RIGHTS (check one box only):

- ☐ 1. Buyer waives the opportunity to conduct a risk assessment or inspection of the Property for the presence of lead-based paint or lead-based paint hazards.
- ☐ 2. Within ten days after the effective date of this contract, Buyer may have the Property inspected by inspectors selected by Buyer. If lead-based paint or lead-based paint hazards are present, Buyer may terminate this contract by giving Seller written notice within 14 days after the effective date of this contract, and the earnest money will be refunded to Buyer.

D. BUYER'S ACKNOWLEDGMENT (check applicable boxes):

- ☐ 1. Buyer has received copies of all information listed above.
- ☐ 2. Buyer has received the pamphlet *Protect Your Family from Lead in Your Home*.

E. BROKERS' ACKNOWLEDGMENT: Brokers have informed Seller of Seller's obligations under 42 U.S.C. 4852d to: (a) provide Buyer with the federally approved pamphlet on lead poisoning prevention; (b) complete this addendum; (c) disclose any known lead-based paint and/or lead-based paint hazards in the Property; (d) deliver all records and reports to Buyer pertaining to lead-based paint and/or lead-based paint hazards in the Property; (e) provide Buyer a period of up to 10 days to have the Property inspected; and (f) retain a completed copy of this addendum for at least 3 years following the sale. Brokers are aware of their responsibility to ensure compliance.**F. CERTIFICATION OF ACCURACY:** The following persons have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer _____	Date _____	Seller _____	Date _____
Buyer _____	Date _____	Seller _____	Date _____
Other Broker _____	Date _____	Listing Broker _____	Date _____

The form of this addendum has been approved by the Texas Real Estate Commission for use only with similarly approved or promulgated forms of contracts. Such approval relates to this contract form only. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not suitable for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 1-800-250-8732 or (512) 459-6544 (<http://www.trec.state.tx.us>)

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State of Alaska
Residential Real Property Transfer Disclosure Statement

Prepared in compliance with Alaska Statute (AS) 34.70.010 - 34.70.200

General Information

AS 34.70.010 requires that before the Transferee/Buyer (hereafter referred to as **Buyer**) of an interest in residential real property makes a written offer, the Transferor/Seller (hereafter referred to as **Seller**) must deliver a completed written disclosure form. This disclosure statement is in compliance with AS 34.70.010. It concerns the residential real property* located in the _____ Recording District, _____ Judicial District, State of Alaska.

Legal Description: _____

Property Address/City/Other: _____

** Residential real property means any single family dwelling, or two single family dwelling units under one roof, or any individual unit in a multi-unit structure or common interest ownership community whose primary purpose is to provide housing. AS 34.70.200(2) and (3).*

AS 34.70.040(b) provides that if an item that must be completed in the disclosure statement is unknown or is unavailable to the Seller, and if the Seller or Seller's agent has made a reasonable effort to ascertain the information, the Seller may make an approximation based on the best information available to the Seller or Seller's agent. It must be reasonable, clearly labeled as an approximation, and not used to avoid the disclosure requirements of AS 34.70.010 - AS 34.70.200.

All disclosures made in this statement are required to be made in good faith (AS 34.70.060). The Seller is required to disclose defects or other conditions in the real property or the real property interest being transferred. To comply, disclosure need not include a search of the public records, nor does it require a professional inspection of the property.

If the information supplied in this disclosure statement becomes inaccurate as a result of an act or agreement after the disclosure statement is delivered to the Buyer, the Seller is required to deliver an amendment to the disclosure statement to the Buyer. An addendum/amendment form for that purpose may be attached to this disclosure statement.

Exemption for First Sale: Under AS 34.70.120, the first transfer of an interest in residential real property that has never been occupied is exempt from the requirement for the Seller to complete the Disclosure Statement.

Waiver by Agreement: Under AS 34.70.110, completion of this disclosure statement may be waived when transferring an interest in residential real property if the Seller and Buyer agree in writing. Signing this waiver does not affect other obligations for disclosure.

Violation or Failure to Comply: A person who negligently violates or fails to perform a duty required by AS 34.70.010 - AS 34.70.200 is liable to the Buyer for actual damages suffered by the Buyer as a result of the violation or failure. If the person willfully violates or fails to perform a duty required by AS 34.70.010 - AS 34.70.200, the Seller is liable to the Buyer for up to three times the actual damages. In addition to the damages, a court may also award the Buyer costs and attorney fees to the extent allowed under the rules of court.

Seller's Initials
08-4229 (9/04)

Date

Property Address
(1)

Buyer's Initials

Date

Seller's Information Regarding Property

Property Type (check one):

- ☐ Single Family ☐ Zero Lot Line/Town House ☐ Condominium ☐ Townhome/PUD
☐ Duplex* (Including Single Family with an Apartment) *Please complete one form for each unit.
☐ Other (please specify) _____

Do you currently occupy the property? ☐ Yes ☐ No. If Yes, how long? _____

If not a current occupant, have you ever occupied the property? ☐ Yes ☐ No. If so, when? _____

Year Property Built: _____. If property was built prior to 1978, or if Seller has any knowledge of lead-based paint, Seller must complete Disclosure of Information and Acknowledgment of Lead-based Paint and/or Lead-based Paint Hazards in accordance with Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (also known as Title X) and provide Buyer with the "Protect Your Family From Lead in Your Home" pamphlet. The pamphlet can be found on the Internet at <http://www.epa.gov/lead/leadprot.htm>.

Construction Overview: ☐ Wood Frame ☐ Manufactured or Modular Construction ☐ Other: _____

Foundation: ☐ Masonry Block ☐ Poured Concrete ☐ Piling ☐ Treated Wood ☐ Other: _____

Name of original builder (if known): _____

Property Features:

Check all items that are built-in and will remain with the property. **Also . . .**

Circle those checked items that have known defects or malfunctions. **Also . . .**

Describe the defect or malfunction on the Addendum/Amendment(s) To The Disclosure Statement.

- | | | |
|---|---|---|
| <input type="checkbox"/> Cooktop | <input type="checkbox"/> Jetted Tub | <input type="checkbox"/> Satellite Dish |
| <input type="checkbox"/> Oven(s) # of _____ | <input type="checkbox"/> Hot Tub <input type="checkbox"/> Cover | <input type="checkbox"/> Built-in Rods & Blinds |
| <input type="checkbox"/> Range/Oven | <input type="checkbox"/> Sauna | <input type="checkbox"/> Window Screens |
| <input type="checkbox"/> Built-in Microwave(s) # of _____ | <input type="checkbox"/> Steam Shower Room | <input type="checkbox"/> Security System |
| <input type="checkbox"/> Dishwasher | <input type="checkbox"/> Water Softener | <input type="checkbox"/> Smoke Detector(s) # of _____ |
| <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Water Filtering System | <input type="checkbox"/> Fire Alarms |
| <input type="checkbox"/> Garbage Disposal | <input type="checkbox"/> Greenhouse <input type="checkbox"/> Attached <input type="checkbox"/> Detached | <input type="checkbox"/> Auto Garage Door Opener(s) |
| <input type="checkbox"/> Instant Hot Water Dispenser | <input type="checkbox"/> Ventilating System | # of Opener(s) _____ |
| <input type="checkbox"/> Central Vacuum Installed | <input type="checkbox"/> Heating System | # of Remote Control(s) _____ |
| <input type="checkbox"/> Intercom | <input type="checkbox"/> Storage Shed | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Paddle Fan(s) # of _____ | <input type="checkbox"/> Barbecue | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Wood Stove(s) # of _____ | <input type="checkbox"/> T.V. Antenna | <input type="checkbox"/> Other _____ |

Comments: _____

Structural Components:

Circle only those items that have known defects, malfunctions, or have had major repairs performed within the last five years.

Also . . . Describe the defect, malfunction, or repair on the Addendum/Amendment(s) To The Disclosure Statement.

- | | | | | |
|-------------------|--|--------------------|-------------------------|--------------------------|
| • Fences/Gates | • Rain Gutters | • Insulation | • Electrical Systems | • Electronic Air Cleaner |
| • Driveways | • Exterior Walls | • Woodstove(s) | • Sewage Systems | • Heat Recovery |
| • Private | • Interior Walls | # of _____ | • Water Supply | • Ventilator System |
| • Walkways | • Floors | • Fireplace(s) | • Garage | • Swimming Pool |
| • Retaining Walls | • Ceilings | # of _____ | • Garage Floor Drain | • Mechanical |
| • Foundation | • Doors | • Gas Starter | • Carport | • Filtration |
| • Crawl Space | • Windows | • Chimneys | • Washer/Dryer Hook-ups | • Pool Cover |
| • Roof | • Skylights | • Plumbing Systems | • Humidifier | • Hot Water Heater |
| • Patio/Decking | • Venting | • Heating Systems | • Air Conditioner | |
| • Slabs | • Other items not covered above? _____ | | | |

Comments: _____

Seller's Initials _____ Date _____ Property Address _____ Buyer's Initials _____ Date _____
08-4229 (9/04) (2)

Documentation: Check the documents for the subject property that the seller has available for review:

- | | | |
|---|--|--|
| <input type="checkbox"/> Current Engineer/
Property Inspection Report(s)
completed within the last
24 months | <input type="checkbox"/> Written Agreements with
Adjacent Property Owners | <input type="checkbox"/> Party Wall Agreement |
| <input type="checkbox"/> Preliminary Title Report | <input type="checkbox"/> Energy Rating Certificate | <input type="checkbox"/> Lease/Rental Agreement |
| <input type="checkbox"/> As-Built Survey | <input type="checkbox"/> Resale Certificate | <input type="checkbox"/> Soils Test |
| | <input type="checkbox"/> Water Rights Certificate | <input type="checkbox"/> Well Log and Water Tests |
| | <input type="checkbox"/> Deed Restrictions | <input type="checkbox"/> Hazardous Materials Test(s) |
| | <input type="checkbox"/> Subdivision Covenants/Restrictions | <input type="checkbox"/> Other _____ |
| | | <input type="checkbox"/> Other _____ |

Additional Information:

Supply information for the following items:

Yes **No**

➤ **Drainage:**

- ♦ Are you aware of ever having any water in the crawl space, basement, or lower level? ☐ ☐
If Yes, how has the problem been resolved?
☐ Sump Pump(s) ☐ Curtain Drain ☐ Rain Gutter Extension ☐ Other _____
When was problem resolved? _____
Location of each sump pump: _____
To where does the water drain after it leaves the sump pump? _____
If gutters, where do downspouts discharge? _____
- ♦ Is there a floor drain in the structure, including garage? ☐ ☐
If Yes, where is it located and where does it drain to? _____

➤ **Roof or Other Leakage:**

- Type: ☐ Asphalt/Composition Shingle ☐ Cedar Shake ☐ Built-up ☐ Metal ☐ Other _____
Age: _____ years.
- ♦ Are you aware of any ice damming on the roof? ☐ ☐
If Yes, provide location. _____
 - ♦ Are you aware of any water leaking into the home? i.e., windows, lights, fireplace, etc. ☐ ☐
If Yes, provide location. _____

➤ **Fireplace and/or Woodstove:** Date chimneys last cleaned? _____ Who cleaned? _____

➤ **Heating System(s):**

- Mark all types that apply: ☐ Hot Water Baseboard ☐ Forced Air ☐ Radiant Heat ☐ Electrical Heat
☐ Wood Stove ☐ Other _____
- Age: _____ years. Last Cleaned: _____ Last Inspected: _____
- Source: ☐ Natural Gas ☐ Electric ☐ Propane Tank ☐ Wood ☐ Coal
☐ Oil with _____ gallon storage which is ☐ Buried ☐ Above Ground ☐ Other _____
- Age of Tank? _____ years

➤ **Hot Water Heater:**

Age: _____ years. Capacity: _____ gallons. Type: ☐ Gas ☐ Electric ☐ Other _____

➤ **Water Supply:**

- Type: ☐ Public ☐ Private ☐ Community ☐ Cistern ☐ Other _____
- ♦ Have you had any problems with your water supply? ☐ ☐
If Private: Well Depth: _____ feet. Flow Rate: _____ gallons per minute.
 - ♦ Has the water supply been tested in the past 12 months? ☐ ☐
If Yes, attach all documentation from all tests.
 - ♦ Has the well failed while you have owned the property? ☐ ☐
 - ♦ Have you ever had a well pump problem or failure? ☐ ☐
 - ♦ Do you supply water to, or receive water from others? ☐ ☐
If Yes, is there a recorded agreement? ☐ ☐
 - ♦ Do you have a water rights certificate for this property? ☐ ☐

Seller's Initials	____/____/____	Property Address	Buyer's Initials	____/____/____
08-4229 (9/04)	Date	(3)		Date

Additional Information (Continued):**> Sewerage System:****Yes****No**Type: ☐ Public ☐ Private ☐ Community ☐ Other _____♦ Does your sewerage system have a lift station?..... ☐ ☐If Private: ☐ Septic Tank ☐ Holding Tank ☐ Other: _____Drainfield System: ☐ Bed ☐ Trench ☐ Mound ☐ Pit ☐ Crib ☐ Other _____Innovative Sewerage System: ☐ Intermittent Sand Filter ☐ Biocycle ☐ Recirculating Upflow Filter☐ Secondary sewage treatment plant ☐ Other _____

Location of sewerage system: _____

♦ Has the sewerage system failed while you owned the property?..... ☐ ☐

If Yes, explain: _____

♦ Have you had any work maintenance or inspections done on the sewerage system during your ownership?..... ☐ ☐

If Yes, explain: _____

Approval Source (and date if known): _____

♦ Are you aware of any abandoned sewage systems, leachfields, cribs, etc. on the property?..... ☐ ☐**> Freeze-ups:**♦ Have you had any frozen water lines, sewer lines, drains, or heating systems?..... ☐ ☐**> Average Annual Utility Costs:**

Gas	\$ _____	Company/Source: _____
Electric	\$ _____	Company/Source: _____
Oil	\$ _____/Gallons: _____	Company/Source: _____
Propane	\$ _____	Company/Source: _____
Wood	\$ _____	Company/Source: _____
Coal	\$ _____	Company/Source: _____
Water	\$ _____	Company/Source: _____
Sewer	\$ _____	Company/Source: _____
Refuse	\$ _____	Company/Source: _____
Other	\$ _____ \$ _____	Company/Source: _____

To the best of your knowledge, are you aware of any of the following conditions with respect to the subject property? If answer is "Yes," indicate the relevant item number and explain the condition on the Addendum/Amendment(s) To The Disclosure Statement.

> Title:**Yes****No**1. Do you know of any existing, pending, or potential legal action(s) concerning the property?..... ☐ ☐2. Do you know of any street or utility improvements planned that will affect the property?..... ☐ ☐

3. Road maintenance provided by? _____

4. Is the property currently rented or leased?..... ☐ ☐

If Yes, expiration date: _____/_____/_____

5. Is there a homeowner's association (HOA) for the property?..... ☐ ☐

If Yes, HOA name: _____ HOA Telephone: _____

☐ Mandatory ☐ Voluntary ☐ Inactive Dues Amount: \$ _____**> Setbacks/Restrictions:**6. Have you been notified of any proposed zoning changes for the property?..... ☐ ☐7. Are you aware of features of the property shared in common with adjoining property owners, such as walls, fences, and driveways, whose use or responsibility for maintenance may affect the property?..... ☐ ☐8. Are there subdivision conditions, covenants, or restrictions?..... ☐ ☐9. Are you aware of any violations of building codes, zoning, setback requirements, or subdivision covenants on this property?..... ☐ ☐10. Are you aware of any nonconforming uses of this property?..... ☐ ☐Seller's Initials _____
08-4229 (9/04)_____/_____/_____
Date_____
Property Address
(4)Buyer's Initials _____
_____/_____/_____
Date

Additional Information (Continued):

	<u>Yes</u>	<u>No</u>
11. Are you aware of any borough, city, deed, or private restrictions on the use of the property?.....	<input type="checkbox"/>	<input type="checkbox"/>
12. Are you aware of any variances being applied for, or granted, on this property?.....	<input type="checkbox"/>	<input type="checkbox"/>
13. Are you aware of any easements on the property?.....	<input type="checkbox"/>	<input type="checkbox"/>
➤ Encroachments:		
14. Does anything on your property encroach (extend) onto your neighbor's property?.....	<input type="checkbox"/>	<input type="checkbox"/>
15. Does anything on your neighbor's property encroach onto your property?.....	<input type="checkbox"/>	<input type="checkbox"/>
➤ Environmental Concerns:		
16. Are you aware of any substances, materials, or products that may be an environmental hazard such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?.....	<input type="checkbox"/>	<input type="checkbox"/>
17. Are you aware of any underground storage tanks on this property? Number of tanks:.....	<input type="checkbox"/>	<input type="checkbox"/>
18. Are you aware if the property is in an avalanche zone and/or flood plain?.....	<input type="checkbox"/>	<input type="checkbox"/>
19. Are you aware of any damage to the property or any of the structures from flood, landslide, avalanche, high winds, fire, earthquake, or other natural causes?.....	<input type="checkbox"/>	<input type="checkbox"/>
20. Have you ever filed an insurance claim for any environmental damage to the property?.....	<input type="checkbox"/>	<input type="checkbox"/>
21. Are you aware of a waste disposal site or a gravel pit within a one-mile radius of the property?.....	<input type="checkbox"/>	<input type="checkbox"/>
➤ Soil Stability:		
22. Are you aware of any grading, excavation or filling on the property or any portion of the property?	<input type="checkbox"/>	<input type="checkbox"/>
23. Are you aware of any permafrost or other soil problems which have caused settling, slippage, sliding, or heaving?.....	<input type="checkbox"/>	<input type="checkbox"/>
24. Are you aware of any flooding, drainage, or grading problems that affect this property?.....	<input type="checkbox"/>	<input type="checkbox"/>
➤ Construction, Improvements/Remodel:		
25. Have you remodeled, made any room additions, structural modifications or improvements?.....	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, please describe. Was the work performed with necessary permits in compliance with building codes?.....		
Was a final inspection performed?.....		
26. Has a fire ever occurred in the structure?.....	<input type="checkbox"/>	<input type="checkbox"/>
➤ Pest Control or Wood Destroying Organisms:		
27. Are you aware of any termites, ants, insects, squirrels, vermin, rodents, etc. in the structure?	<input type="checkbox"/>	<input type="checkbox"/>
a. If Yes, what type?		
b. If Yes, where?		
28. Has there been damage in the past resulting from termites, ants, insects, squirrels, rodents, etc. in the structure?	<input type="checkbox"/>	<input type="checkbox"/>
a. If Yes, when?		
b. If Yes, what type?		
c. If Yes, where?		
d. If Yes, describe what was done to resolve the problem:		
➤ Other:		
29. Pets		
a. Have there been any pets/animals in the house?	<input type="checkbox"/>	<input type="checkbox"/>
b. If Yes, what kind?		

Seller's Initials
08-4229 (9/04)

____/____/____
Date

Property Address
(5)

____/____/____
Buyer's Initials Date

Additional Information (Continued):

30. Noise

Yes

No

- a. Are you aware of any noise or sound disturbances that affect the property, including but not limited to, airplanes, trains, dogs, traffic, race tracks, neighbors, etc.?..... ☐ ☐

b. If Yes, explain: _____

I / We have completed this disclosure statement according to AS 34.70.010 - AS 34.70.200 and these instructions, and the statements are made in good faith and are true and correct to the best of my/our knowledge as of the date signed. I/We authorize any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated transfer of the property or interest in the property.

Seller: _____ Date: _____

Seller: _____ Date: _____

Buyer's Notice and Receipt of Copy

Transferee (Buyer) Awareness Notice: Under AS 34.70.050, Transferee (Buyer) is independently responsible for determining whether a person who has been convicted of a sex offense resides in the vicinity of the property that is the subject of the Transferee's (Buyer's) potential real estate transaction. This information is available at the following locations: Alaska State Trooper Posts, Municipal Police Departments, and on the State of Alaska, Department of Public Safety Internet site: www.dps.state.ak.us.

Transferee (Buyer) Awareness Notice: Under AS 34.70.050, Transferee (Buyer) is independently responsible for determining whether, in the vicinity of the property that is the subject of the transferee's potential real estate transaction, there is an agricultural facility or agricultural operation that might produce odor, fumes, dust, blowing snow, smoke, burning, vibrations, noise, insects, rodents, the operation of machinery including aircraft, and other inconveniences or discomforts as a result of lawful agricultural operations.

The Buyer is urged to inspect the property carefully and to have the property inspected by an expert. Buyer understands that there are aspects of the property of which the Seller may not have knowledge and that this disclosure statement does not encompass those aspects. Buyer also acknowledges that he/she has read and received a signed copy of this statement from the Seller or the Seller's agent.

Buyer: _____ Date: _____

Buyer: _____ Date: _____

Seller's Initials _____ Date _____ Property Address _____ Buyer's Initials _____ Date _____
08-4229 (9/04) (6)

Exemption For First Sale

Legal Description: _____

Property Address/City: _____

Under AS 34.70.120, the first transfer of an interest in residential real property that has never been occupied is exempt from the requirement for the Seller to complete the Disclosure Statement.

Buyer may wish to obtain inspections of the property and seek other professional advice.

★ ★ ★ ★ ★ ★ ★ ★

Transferee (Buyer) Awareness Notice: Under AS 34.70.050, Transferee (Buyer) is independently responsible for determining whether a person who has been convicted of a sex offense resides in the vicinity of the property that is the subject of the Transferee's (Buyer's) potential real estate transaction. This information is available at the following locations: Alaska State Trooper Posts, Municipal Police Departments, and on the State of Alaska, Department of Public Safety Internet site: www.dps.state.ak.us.

★ ★ ★ ★ ★ ★ ★ ★

Transferee (Buyer) Awareness Notice: Under AS 34.70.050, Transferee (Buyer) is independently responsible for determining whether, in the vicinity of the property that is the subject of the transferee's potential real estate transaction, there is an agricultural facility or agricultural operation that might produce odor, fumes, dust, blowing snow, smoke, burning, vibrations, noise, insects, rodents, the operation of machinery including aircraft, and other inconveniences or discomforts as a result of lawful agricultural operations.

★ ★ ★ ★ ★ ★ ★ ★

I certify that this is the first transfer of an interest in the property identified above and that the property has not been occupied before this transfer of interest.

Seller: _____ Date: _____

Seller: _____ Date: _____

Buyer: _____ Date: _____

Buyer: _____ Date: _____

Seller's Initials _____ Date _____ Property Address _____ Buyer's Initials _____ Date _____
08-4229 (9/04) (8)

Waiver By Agreement

AS 34.70.110

Legal Description: _____

Property Address/City: _____

Under AS 34.70.110, completion of this disclosure statement may be waived when transferring an interest in residential real property if the Seller and Buyer agree in writing.

Parties may wish to obtain professional advice and/or inspection of the property.

★ ★ ★ ★ ★ ★ ★ ★

Transferee (Buyer) Awareness Notice: Under AS 34.70.050, Transferee (Buyer) is independently responsible for determining whether a person who has been convicted of a sex offense resides in the vicinity of the property that is the subject of the Transferee's (Buyer's) potential real estate transaction. This information is available at the following locations: Alaska State Trooper Posts, Municipal Police Departments, and on the State of Alaska, Department of Public Safety Internet site: www.dps.state.ak.us.

★ ★ ★ ★ ★ ★ ★ ★

Transferee (Buyer) Awareness Notice: Under AS 34.70.050, Transferee (Buyer) is independently responsible for determining whether, in the vicinity of the property that is the subject of the transferee's potential real estate transaction, there is an agricultural facility or agricultural operation that might produce odor, fumes, dust, blowing snow, smoke, burning, vibrations, noise, insects, rodents, the operation of machinery including aircraft, and other inconveniences or discomforts as a result of lawful agricultural operations.

★ ★ ★ ★ ★ ★ ★ ★

By law, completion of this disclosure statement may be waived when transferring an interest in residential real property if the Transferor (Seller) and the Transferee (Buyer) agree in writing. If both parties agree to waive the requirement to complete this disclosure statement, please sign below. Signing this waiver does not affect other obligations for disclosure.

Seller: _____ Date: _____

Seller: _____ Date: _____

Buyer: _____ Date: _____

Buyer: _____ Date: _____

Seller's Initials _____ Date _____ Property Address _____ Buyer's Initials _____ Date _____
08-4229 (9/04) (9)

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AVIATION NOISE LAW**Real Estate Transfer Disclosures in
California**

DISCLAIMER: The information here is offered to educate the public and not as legal advice. If you desire legal advice, consult a lawyer. A real estate broker is qualified to advise on real estate.

The Statute

California statutes governing the transfer of real property (including mobile homes) are contained in California Civil Code, Division 2 (Property), Part 4 (Acquisition of Property), Title 4 (Transfer), Chapter 2 (Transfer of Real Property). Included in Chapter 2 are requirements for disclosure by the seller of real property (sections 1102 - 1102.15, which comprise Article 1.5).

Only Certain Property Transfers Are Affected by the Statute

Article 1.5 applies "to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property, or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units." (Section 1102; sec. 1102.1 describes property that is not affected, such as transfers between co-owners, transfers following dissolution of marriage, etc.)

Early Disclosure of Property Conditions Is Required

The transferor of any real property subject to the statute is required to deliver (in person or by mail) to a prospective transferee a written disclosure of the condition of the property *as soon as practicable before transfer of title*. In the case of transfer by a sales contract, or by a lease together with an option to purchase, the disclosure must be delivered as soon as practicable before execution of the contract, i.e., *before the making or acceptance of an offer*. (Section 1102.2)

The written disclosure must be in the form specified in the statute (see below). The transferor must state -- on the receipt for deposit, in the real property sales contract (or lease), or in a separate document -- that she or he has complied with the statute.

What Must Be Disclosed?

The statute includes a disclosure form ("Real Estate Transfer Disclosure Statement") in section 1102.6. Disclosures made pursuant to the statute must be on a copy of this form. The form covers such

information as

- Items on the property (appliances, water heater, burglar alarm, hot tub, etc.).
- Operating condition of certain items.
- Defects in walls, ceilings, floors, sidewalks, etc.
- Existence of environmental hazards, easements, construction without permit, zoning violations, flooding problems, earthquake damage, deed restrictions, and **neighborhood noise problems** or other nuisances. (For a court case dealing with the duty to disclose noise, see *Shapiro v. Sutherland*, 2nd District Court of Appeal, 1998, 64 Cal.App.4th 1534.)

Some property owners are required to disclose that the property is near an airport (see below).

What Is the Nature of the Disclosure?

The disclosure is the representation of the seller, not the seller's agent. The information disclosed is based on the seller's personal knowledge, but the disclosure must be made in good faith ("honesty in fact in the conduct of the transaction"). The disclosure is not a warranty. However, the disclosure form states: "The seller discloses the following information with the knowledge that . . . prospective buyers may rely on this information in deciding whether and on what terms to buy the subject property."

The statute states that no transfer subject to the statute shall be invalidated solely because any person failed to comply with the statute. Any person who "willfully or negligently violates or fails to perform any duty prescribed by [the statute] shall be liable in the amount of actual damages suffered by the transferee." (Section 1102.13)

However, the statute also states that the specification of items for disclosure in the Real Estate Transfer Disclosure Statement "does not limit or abridge any obligation for disclosure created by any other provision of law or which may exist in order to avoid fraud, misrepresentation, or deceit in the transfer." (Section 1102.8) Thus, a seller who misrepresents a condition of the property may nevertheless be held liable for misrepresentation in the disclosure statement.

The statute expressly relieves the seller (as well as the listing or selling agent) of liability for misrepresentation (error, inaccuracy, or omission) in the disclosure statement *only* if an error, inaccuracy, or omission was not within the personal knowledge of the seller (or listing or selling agent), or was based on information provided by a public agency or licensed expert (engineer, contractor, etc.) and "ordinary care" was exercised in obtaining and communicating the information. (Section 1102.4)

What Are the Duties of the Real Estate Broker?

The broker who has obtained the offer to buy is required to deliver the disclosure statement to the buyer unless the seller has given other written instructions for delivery. If the broker cannot obtain the disclosure statement and does not have written assurance from the buyer that the disclosure statement has been received, the broker must advise the buyer of his or her rights to the disclosure statement. (Section 1102.12) The broker responsible for delivering a disclosure statement is required to keep a record of the action taken to comply with the statute.

AB 2776: Disclosure That Property Is in the "Vicinity of an Airport"

<http://home.netvista.net/~hpb/cc-1102.html>

9/30/2005

As of January 1, 2004, residential property owners are required, under certain circumstances, to disclose to prospective buyers that the property is in the "vicinity" of an airport (Assembly Bill 2776). This type of disclosure has long been a priority of pilot and airport lobbyists who believe that some type of formal notice to homeowners that their property is near an airport will preclude complaints or lawsuits by those residents. Proponents of the bill actually claimed that the bill would reduce lawsuits over aircraft noise. In fact, such lawsuits are rare, and there is nothing in AB 2776 that prevents a property owner from filing a successful lawsuit for compensation for the nuisance of aircraft noise. Pilot and airport lobbyists who support the type of disclosure mandated by AB 2776 simply want a law that they can wave at residents who complain about aircraft noise, in the hope that residents will feel that they have no right to complain. AB 2776 was authored by Assemblyman Joe Simitian (Dem., Palo Alto) on behalf of the San Carlos Pilots Association; the vote in the legislature on the bill was almost strictly along party lines (Democrats for, Republicans against).

AB 2776 requires disclosure that an airport is in the vicinity of residential property under three circumstances: (1) when a new subdivision is created (Civil Code § 11010(a)(12)); (2) when a new common-interest development such as a condominium is created (Civil Code § 1353); and (3) when a "natural hazard disclosure statement" is prepared in connection with the transfer of property (Civil Code § 1103.4). The bill does not mandate a *general duty* to disclose the fact an airport is near property that is for sale.

AB 2776 uses the term "airport influence area" interchangeably with "vicinity" and defines the "influence area" as the "airport referral area" determined by the county's [airport land-use commission](#) (ALUC). The ALUC creates a "referral area" for each airport in the county and any proposal for land development within that area is reviewed by the ALUC to determine whether it is compatible with the operation of the airport, both present and future.

The requirement concerning the "natural hazard disclosure statement" is a bit tricky. This report is required only when property is located in an area of (1) potential flooding, (2) very high fire hazard zone, (3) earthquake fault zone, (4) seismic hazard zone, or (5) wildlands with forest fire risk. If the property does not fit one of these categories, no hazards report is prepared and thus notice of "airport in the vicinity" is not be required.

[Revised October 28, 2004]

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REAL ESTATE TRANSFER DISCLOSURE STATEMENT

(CALIFORNIA CIVIL CODE 1102, ET SEQ.)
CALIFORNIA ASSOCIATION OF REALTORS® (CAR) STANDARD FORM

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____
THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH SECTION 1102 OF THE CIVIL CODE AS OF _____. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

COORDINATION WITH OTHER DISCLOSURE FORMS

This Real Estate Transfer Disclosure Statement is made pursuant to Section 1102 of the Civil Code. Other statutes require disclosures, depending upon the details of the particular real estate transaction (for example: special study zone and purchase-money liens on residential property).

Substituted Disclosures: The following disclosures have or will be in connection with this real estate transfer, and are intended to satisfy the disclosure obligations on this form, where the subject matter is the same: _____

USE ALL SUBSTITUTED DISCLOSURE FORMS TO BE USED IN CONNECTION WITH THIS TRANSACTION.

SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

Seller ☐ is ☐ is not occupying the property.

A. The subject property has the items checked below (read across):

- | | | |
|--|---|---|
| <input type="checkbox"/> Range | <input type="checkbox"/> Oven | <input type="checkbox"/> Microwave |
| <input type="checkbox"/> Dishwasher | <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Garbage Disposal |
| <input type="checkbox"/> Washer/Dryer Hookups | <input type="checkbox"/> Window Screens | <input type="checkbox"/> Rain Gutters |
| <input type="checkbox"/> Burglar Alarms | <input type="checkbox"/> Smoke Detector(s) | <input type="checkbox"/> Fire Alarm |
| <input type="checkbox"/> TV Antenna | <input type="checkbox"/> Satellite Dish | <input type="checkbox"/> Intercom |
| <input type="checkbox"/> Central Heating | <input type="checkbox"/> Central Air Conditioning | <input type="checkbox"/> Evaporator Cooler(s) |
| <input type="checkbox"/> Walk/Window Air Conditioning | <input type="checkbox"/> Sprinklers | <input type="checkbox"/> Public Sewer System |
| <input type="checkbox"/> Septic Tank | <input type="checkbox"/> Sump Pump | <input type="checkbox"/> Water Softener |
| <input type="checkbox"/> Patio/Decking | <input type="checkbox"/> Built-in Barbecue | <input type="checkbox"/> Gazebo |
| <input type="checkbox"/> Sauna | <input type="checkbox"/> Pool | <input type="checkbox"/> Spa <input type="checkbox"/> Hot Tub |
| <input type="checkbox"/> Security Gate(s) | <input type="checkbox"/> Automatic Garage Door Opener(s)* | <input type="checkbox"/> Number of Remote Controls _____ |
| <input type="checkbox"/> Garage: <input type="checkbox"/> Attached | <input type="checkbox"/> Not Attached | <input type="checkbox"/> Carport |
| <input type="checkbox"/> Pool/Spa Heater: <input type="checkbox"/> Gas | <input type="checkbox"/> Solar | <input type="checkbox"/> Electric |
| <input type="checkbox"/> Water Heater: <input type="checkbox"/> Gas | <input type="checkbox"/> Solar | <input type="checkbox"/> Electric |
| <input type="checkbox"/> Water Supply: <input type="checkbox"/> City | <input type="checkbox"/> Well | <input type="checkbox"/> Private Utility <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Gas Supply: <input type="checkbox"/> Utility | <input type="checkbox"/> Scuba | |
| <input type="checkbox"/> Exhaust Fan(s) in _____ | <input type="checkbox"/> 220 Volt Wiring in _____ | |
| <input type="checkbox"/> Fireplace(s) in _____ | <input type="checkbox"/> Gas Starter | |
| <input type="checkbox"/> Roof(s): Type: _____ | Age: _____ (approx.) | |
| <input type="checkbox"/> Other: _____ | | |

Are there, to the best of your (Seller's) knowledge, any of the above that are not in operating condition? ☐ Yes ☐ No If yes, then describe. (Attach additional sheets if necessary): _____

B. Are you (Seller) aware of any significant defects/malfunctions in any of the following? ☐ Yes ☐ No If yes, check appropriate space(s) below.

- ☐ Interior Walls ☐ Ceilings ☐ Floors ☐ Exterior Walls ☐ Insulation ☐ Roof(s) ☐ Windows ☐ Doors ☐ Foundation ☐ Stab(s)
☐ Driveways ☐ Sidewalks ☐ Walks/Fences ☐ Electrical Systems ☐ Plumbing/Sewers/Septics ☐ Other Structural Components

(Describe: _____)

If any of the above is checked, explain. (Attach additional sheets if necessary): _____

*This garage door opener may not be in compliance with the safety standards relating to automatic reversing devices as set forth in Chapter 12.5 (commencing with Section 19990) of Part 3 of Division 13 of the Health and Safety Code.

Buyer and Seller acknowledge receipt of copy of this page, which constitutes Page 1 of 2 Pages.

Buyer's Initials (_____) (_____) Seller's Initials (_____) (_____)

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125 South Main Street, Suite 1000, San Francisco, CA 94102
IN COMPLIANCE WITH CIVIL CODE SECTION 1102.1, EFFECTIVE JULY 1, 1991

BUYER'S COPY

OFFICE USE ONLY

Reviewed by Broker or Designee _____

Date _____

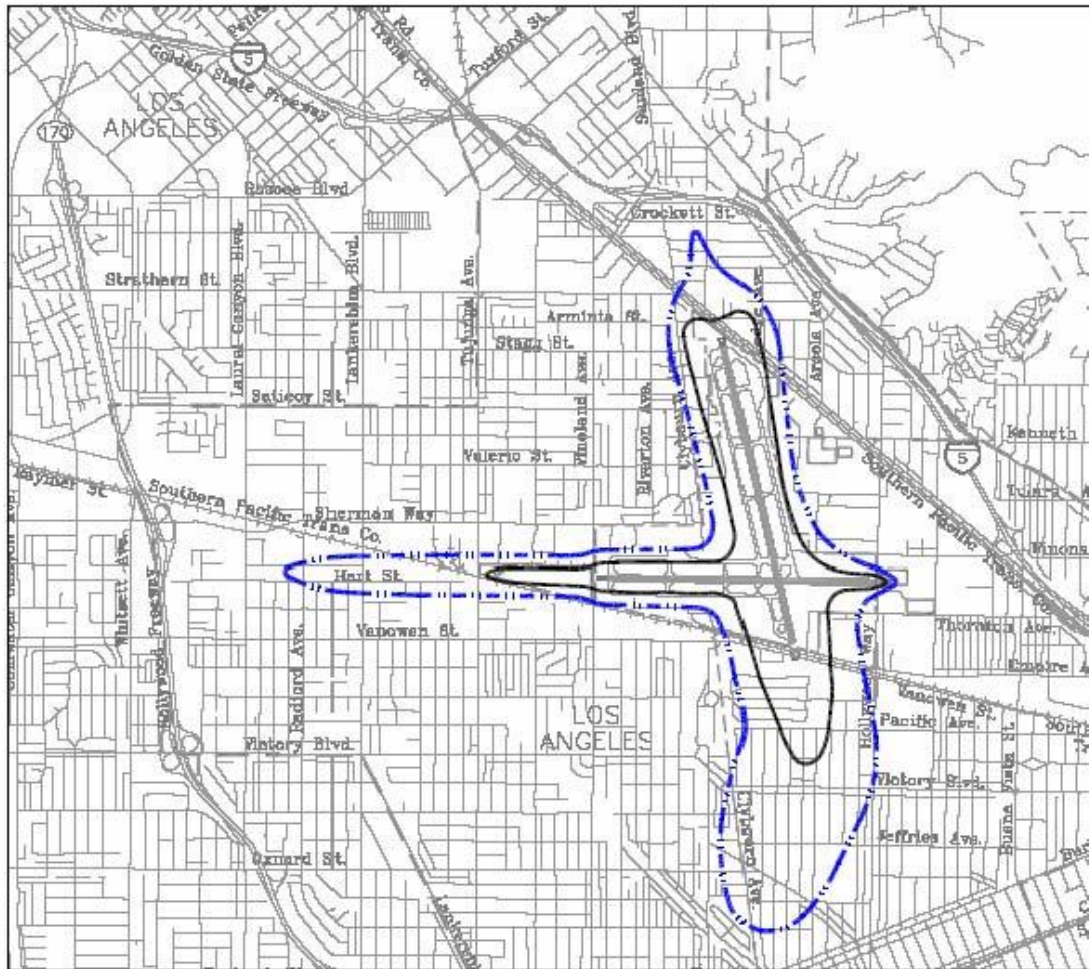


REAL ESTATE TRANSFER DISCLOSURE STATEMENT (TDS-14 PAGE 2 OF 2)



REAL ESTATE INFORMATION FORM

C:\DRAWINGS\REFERENCE\DISCLOSURE\12005.DWG DATE: 05/17/05 TIME: 16:11

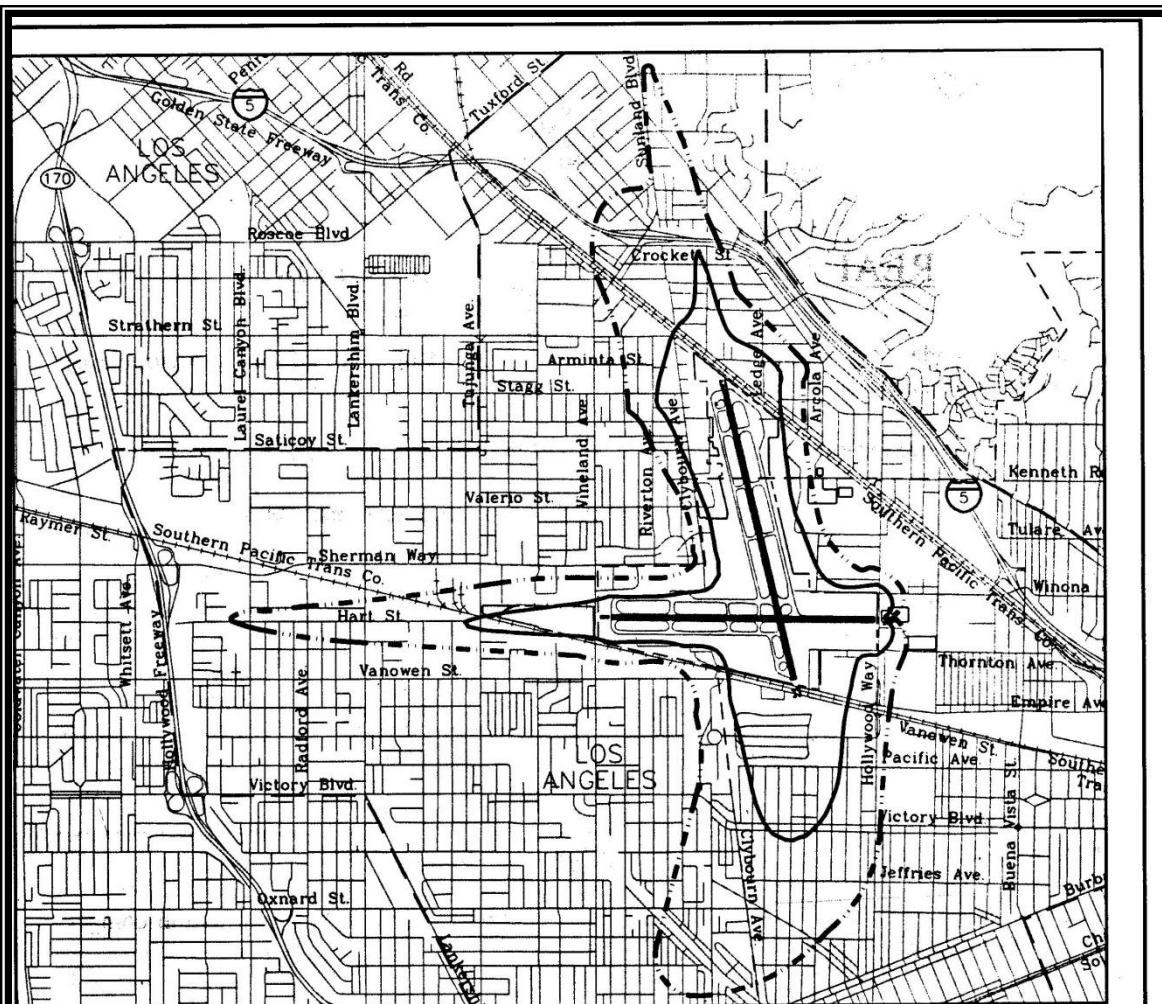


1STQ 2005 CONTOURS

SOURCE: QUARTERLY NOISE REPORT

LEGEND

--- 65 CNEL
— 70 CNEL



FORECASTED 2010 CONTOURS

SOURCE: PART 150 STUDY UPDATE

LEGEND

--- 65 CNEL
 — 70 CNEL

BOB HOPE AIRPORT		CONTOURS	AREA MAP	06/04 DRAWN BY: CHECKED BY: REV: _____
------------------------	--	----------	----------	---



REAL ESTATE INFORMATION FORM

The Burbank-Glendale-Pasadena Airport Authority, owner and operator of the Bob Hope Airport, would like to inform prospective property buyers:

-) of the location of the Bob Hope Airport in their community, and;
- 2) that their property might be impacted by aircraft operations.

The Bob Hope Airport currently serves approximately 4.7 million passengers with approximately 500 daily operations (arrivals + departures) and is open 24 hours per day. Approximately one-third of the total operations are scheduled airlines. The other two-thirds are non-scheduled general aviation aircraft. General aviation aircraft include the following, but are not limited to, single-engine propeller aircraft, multi-engine propeller aircraft, business jets, cargo aircraft, airline charters and military aircraft. Depicted is the most recently submitted Quarterly* Noise Report 65 dB Community Noise Equivalent Level (CNEL) contour as required by the County of Los Angeles and the Airport's 2010 Forecast as identified in the Federal Aviation Administration approved Part 150** study. Homes located outside the contour area may also experience the impact of aircraft operations. If you have any questions regarding airport or aircraft operations, please call 818-840-8840.

*Quarterly contours are subject to change. For the most up-to-date airport information contact the Airport's website at WWW.BURBANKAIRPORT.COM

** In 2000 the Federal Aviation Administration approved the Burbank Airport's updated Part 150 study. As a result of this approval, a number of single-family homes surrounding the Airport are eligible for acoustical treatment. At this time the Airport is actively acoustically treating homes with priority given to the homes most heavily impacted by aircraft operations. If it appears that the property in question is located within the identified contours, you may be eligible for acoustical treatment. For further information regarding eligibility requirements, please call the program office at 818-842-1732.

This form is provided by Bob Hope Airport for informational purposes only. It is not intended to satisfy any disclosure obligations that real estate sellers or realtors may have, including obligations imposed by the California Business & Professions Code. This form does not depict the "airport influence area" for purposes of certain disclosures. The Los Angeles County Department of Regional Planning (LACDRP) is the agency responsible for determining the "airport influence area," not the Burbank-Glendale-Pasadena Airport Authority. For more information regarding the airport influence area, please contact LACDRP at (213) 974-6425.

Consumer Action and Information Center of Hawai'i ([Disclaimer](#)) ([info](#))

Statute 508D

Mandatory Seller Disclosures In Real Estate Transactions

This page is current through the 2004 legislative session.

[508D-1. Definitions.](#)
[508D-2. Applicability.](#)
[508D-3. Exemptions.](#)
[508D-4. Prohibitions on sales of residential real property.](#)
[508D-5. Delivery of disclosure statement to buyer; procedures.](#)
[508D-6. Later discovered inaccurate information.](#)
[508D-7. Seller's agent's duties and responsibilities for disclosure.](#)
[508D-8. Excluded facts from the disclosure statement.](#)
[508D-9. Good faith and due care in preparing the disclosure statement.](#)
[508D-10. Repealed.](#)
[508D-11. Disclosure form.](#)
[508D-12. Indication of receipt of disclosure statement.](#)
[508D-13. Later material facts.](#)
[508D-14. Additional disclosure requirements.](#)
[508D-15. Notification required; ambiguity.](#)
[508D-16. Remedies; voidable contracts.](#)
[508D-16.5. Rescission.](#)
[508D-17. Limitation of actions.](#)
[508D-18. Alternative dispute resolution.](#)
[508D-19. Severability.](#)
[508D-20. Repealed.](#)

Effective date: July 1, 1995. Amended 1996, 2001.

508D-1. Definitions.

As used in this chapter, unless the context requires otherwise:

"Disclosure statement" means a written statement prepared by the seller or at the seller's direction, that purports to fully and accurately disclose all material facts relating to the residential real property being offered for sale that:

- (1) Are within the knowledge or control of the seller;
- (2) Can be observed from visible, accessible areas; or
- (3) Are required to be disclosed under sections [508D-15](#) and [508D-4.5](#).

Except for the disclosures required under section 508D-15, no seller shall have any duty to examine any public records when preparing a disclosure statement.

<http://www.consumerlaw.com/508d.html>

9/30/2005

"Material fact" means any fact, defect, or condition, past or present, that would be expected to measurably affect the value to a reasonable person of the residential real property being offered for sale. The disclosure statement shall not be construed as a substitute for any expert inspection, professional advice, or warranty that the buyer may wish to obtain.

"Real estate purchase contract" means a contract, as it may be amended, by which a seller agrees to sell and a buyer agrees to buy residential real property which shall include a deposit, receipt, offer, acceptance, or other similar agreement for the sale or lease with option to buy.

"Residential real property" means fee simple or leasehold real property on which currently is situated:

- (1) From one to four dwelling units; or
- (2) A residential condominium or cooperative apartment, the primary use of which is occupancy as a residence.

"Sale of residential real property" means the transfer or disposition of residential real property for consideration including, without limitation, a sale by exchange (provided that the transferor to an exchange accommodator but not the exchange accommodator who has acquired the residential real property for tax purposes prior to transfer to the buyer is deemed to be the seller for purposes of this chapter), auction, or lease with option to buy.

508D-2. Applicability.

Except as otherwise provided for in this chapter, this chapter applies to any sale of residential real property. The failure of the seller or the seller's agent to comply with this chapter shall not affect the validity of title to any residential real property sold.

508D-3. Exemptions.

This chapter shall not apply to the following sales of residential real property:

- (1) Sale to a co-owner;
- (2) Sale to a spouse, parent, or child of the seller;
- (3) Sale by devise, descent, or court order;
- (4) Sale by operation of law, including, but not limited to, any transfer by foreclosure, bankruptcy, or partition, or any transfer to a seller's creditor incident to a deed (or assignment) in lieu of foreclosure, workout, or the settlement or partial settlement of any preexisting obligation of a seller owed a creditor and any later sale of residential real property by such creditor;
- (5) Sale by a lessor to a lessee resulting from conversion of leased land to fee simple;

(6) Initial sale of new residential real property pursuant to chapter 484 under a current public offering statement or chapter 484 exemption;

(7) Sales of condominium apartments accompanied by delivery of an unexpired public report; or

(8) Sale of time share interests as defined under chapter 514E.

508D-4. Prohibitions on sales of residential real property.

Except as provided in section [508D-3](#), no seller may sell residential real property unless:

1. Prior to the sale of such residential real property, a disclosure statement is:
2.
 - A. Signed and dated by the seller within six months before or ten calendar days after the acceptance of a real estate purchase contract by the buyer; and
 - B. Delivered to the buyer as provided in section [508D-5](#);
3. The buyer acknowledges receipt of the disclosure statement on the real estate purchase contract or in any addendum attached to the contract, or in a separate document; and
4. The buyer is afforded the opportunity to examine the disclosure statement as provided in section [508D-5](#).

508D-4.5. Release or waiver of construction defect.

Any release from or waiver of liability, or release from a warranty by a seller to any government agency, contractor as defined in section 444-1, or engineer, architect, land surveyor, or landscape architect licensed to practice that profession under chapter 464, for any defect, mistake, or omission in the design or construction of any residential real property that measurably affects the value of the residential real property is a material fact that shall be contained in a disclosure statement.

508D-5. Delivery of disclosure statement to buyer; procedures.

- a. No later than ten calendar days from acceptance of a real estate purchase contract, the seller, either directly or through the seller's agent, shall provide the disclosure statement to the buyer.
- b. Upon receipt of the disclosure statement, the buyer shall have fifteen calendar days to:
- c.
 1. Examine the disclosure statement; and
 2. Decide whether to rescind the real estate purchase contract. If the buyer decides to rescind the real estate purchase contract, the buyer shall deliver to the seller directly or through the seller's agent within the fifteen-day period written notification of the buyer's decision to rescind the real estate purchase contract. Failure to deliver the written notification to the seller within the fifteen-day period shall be deemed an acceptance of the disclosure statement. Any rescission made pursuant to this subsection shall be without loss of deposits

- to the buyer which deposits shall be immediately returned to the buyer.
- d. The seller and buyer may agree in writing to reduce or extend the time period provided for the delivery or examination and rescission period. The form of the receipt for the disclosure statement required by section 508D-4(2) shall provide that the buyer shall have the right to examine the disclosure statement and to rescind the real estate purchase contract in accordance with this section.
-

508D-6. Later discovered inaccurate information.

Prior to closing the real estate purchase contract, a buyer who receives a disclosure statement that fails to disclose a material fact or contains an inaccurate assertion that directly, substantially, and adversely affects the value of the residential real property, and who was not aware of the foregoing failure or inaccuracy, may elect in writing to rescind the real estate purchase contract within fifteen calendar days of the earlier to occur of:

- (1) The discovery of the failure or inaccuracy; or
- (2) The receipt of an amended disclosure statement correcting the failure or inaccuracy, in the manner provided by section 508D-5(b) or (c).

The buyer's right to rescind the real estate purchase contract under this section shall not apply if the sale of the residential real property has been recorded; provided that the buyer may pursue all additional remedies provided by law.

508D-7. Seller's agent's duties and responsibilities for disclosure.

(a) Any person or entity acting in the capacity of an escrow agent for the sale of residential real property subject to this chapter, shall not be deemed the agent of the seller or buyer for purposes of the disclosure requirements of this chapter unless the seller or buyer and the escrow agent agree in writing to the establishment of the agency for such purpose.

(b) When a seller's agent cannot obtain the disclosure statement and does not have written assurances from the buyer that the disclosure statement was received, the seller's agent shall notify the buyer in writing of the buyer's rights to the disclosure statement and rights of rescission provided by this chapter. However, the seller's agent shall not be required to prepare the disclosure statement. The seller's agent responsible for delivering the disclosure statement, or the aforesaid written notification of the buyer's rights if applicable, shall maintain a record of the action taken by that agent to effect compliance.

(c) If the seller's agent is or becomes aware of any material facts inconsistent with or contradictory to the disclosure statement or the inspection report of a third party provided by the seller, the seller's agent shall disclose these facts to the seller, the buyer, and the buyer's agent. Nothing in this chapter precludes all other obligations of the seller's or the buyer's agent under Hawaii law.

508D-8. Excluded facts from the disclosure statement.

Except as otherwise provided by law, the fact that:

1. An occupant of the residential real property was afflicted with acquired immune deficiency syndrome (AIDS) or AIDS related complex, or had been tested for human immunodeficiency virus; or
2. The residential real property was the site of an act or occurrence that had no effect on the physical structure or the physical environment of the residential real property, or the improvements located on the residential real property;

may be excluded from the disclosure statement. This information shall not be deemed a material fact for purposes of the disclosure statement.

508D-9. Good faith and due care in preparing the disclosure statement.

(a) A seller or the seller's agent shall prepare the disclosure statement in good faith and with due care. A buyer shall have no cause of action against a seller or seller's agent for, arising out of, or relating to the providing of a disclosure statement when the disclosure statement is prepared in good faith and with due care. For purposes of this section, "in good faith and with due care" includes honesty in fact in the investigation, research, and preparation of the disclosure statement and may include information on the following:

- (1) Facts based on only the seller's personal knowledge;
- (2) Facts provided to the seller by governmental agencies and departments;
- (3) Existing reports prepared for the seller by third-party consultants, including without limitation a:
 - (A) Licensed engineer;
 - (B) Land surveyor;
 - (C) Geologist;
 - (D) Wood-destroying insect control expert; or
 - (E) Contractor, or other home inspection expert;

dealing with matters within the scope of the professional's license or expertise for the purpose of the disclosure statement; and

- (4) Facts provided to the seller by a managing agent of a homeowner's association, including without limitation, a condominium, cooperative, or community association.

Notwithstanding this subsection, a seller or seller's agent shall be under no obligation to engage the

services of any person in the investigation, research, or preparation of the disclosure statement. The failure to engage the services of any such person for this purpose shall not be deemed an absence of good faith or due care by the seller or the seller's agent in the investigation, research, or preparation of the disclosure statement.

(b) The representations contained in the disclosure statement shall be construed to be made only to, and for the benefit of, the buyer and shall be deemed accurate only as to the time when made, except as otherwise provided in section 508D-13.

508D-10. Repealed: June 13, 2001

508D-11. Disclosure form.

In addition to the other information required by this chapter, the form for the disclosure statement shall include the following:

- (1) A notice to the buyer that the buyer may wish to obtain professional advice and inspections of the residential real property;
- (2) A notice to the buyer that the information contained in the disclosure statement is the representation of the seller and not the representation of the seller's agent (except as to those representations, if any, specifically identified as being made by the seller's agent and not by the seller); and
- (3) A notice of the buyer's rescission rights pursuant to this chapter.

508D-12. Indication of receipt of disclosure statement.

- (a) The buyer shall indicate receipt of the seller's disclosure statement on the real estate purchase contract, or in any addendum attached to the contract, or in a separate document.
- (b) Receipts taken for the disclosure statement shall be kept on file in possession of the seller or seller's agent for a period of three years from the date the receipt was taken.

508D-13. Later material facts.

Information in a disclosure statement that has not been disclosed or becomes inaccurate regarding a material fact as a result of an act, agreement, or occurrence (or otherwise becomes known to seller) after the statement is provided to the buyer does not violate this chapter. However, if such information directly, substantially, and adversely affects the value of the residential real property, the seller shall

provide an amended disclosure statement to the buyer disclosing the material fact within ten calendar days after the seller's discovery of such information if the seller discovers such information prior to the recorded sale of the residential real property, and in any event, no later than twelve noon of the last business day prior to the recorded sale of the real property. The buyer shall have fifteen calendar days to examine the amended disclosure statement and, if the buyer was not already aware of such information, to rescind the real estate purchase contract in accordance with section 508D-5(b) or (c). The buyer's right to rescind the real estate purchase contract under this section shall not apply if the sale of the residential real property has been recorded; provided that the buyer may pursue all additional remedies provided by law.

508D-14. Additional disclosure requirements.

The requirements of this chapter are in addition to all other disclosure obligations of the seller required by law relating to the sale of residential real property.

508D-15. Notification required; ambiguity.

(a) When residential real property lies:

- (1) Within the boundaries of a special flood hazard area as officially designated on Flood Insurance Administration maps promulgated by the United States Department of Housing and Urban Development for the purposes of determining eligibility for emergency flood insurance programs;
- (2) Within the boundaries of the noise exposure area shown on maps prepared by the department of transportation in accordance with Federal Aviation Regulation Part 150-Airport Noise Compatibility Planning (14 Code of Federal Regulations Part 150) for any public airport;
- (3) Within the boundaries of the Air Installation Compatibility Use Zone of any Air Force, Army, Navy, or Marine Corps airport as officially designated by military authorities; or
- (4) Within the anticipated inundation areas designated on the department of defense's civil defense tsunami inundation maps;

subject to the availability of maps that designate the four areas by tax map key (zone, section, parcel), the seller shall include such material fact information in the disclosure statement provided to the buyer subject to this chapter. Each county shall provide, where available, maps of its jurisdiction detailing the four designated areas specified in this subsection. The maps shall identify the properties situated within the four designated areas by tax map key number (zone, section, parcel) and shall be of a size sufficient to provide information necessary to serve the purposes of this section. Each county shall provide legible copies of the maps and may charge a reasonable copying fee.

(b) When it is questionable whether residential real property lies within any of the designated areas

referred to in subsection (a) due to the inherent ambiguity of boundary lines drawn on maps of large scale, the ambiguity shall be construed in favor of the seller; provided that a good faith effort has been made to determine the applicability of subsection (a) to the subject real property.

(c) Except as required under subsections (a) and (b), the seller shall have no duty to examine any public record when preparing a disclosure statement.

508D-16. Remedies; voidable contracts.

- a. A buyer may elect to complete the purchase of residential real property even if the seller fails to comply with the requirements of this chapter. After recordation of the sale of residential real property, a buyer shall have no right under this chapter to rescind the real estate purchase contract despite the seller's failure to comply with the requirements of this chapter.
- b. When the buyer is provided a disclosure statement prepared and delivered in accordance with this chapter and the buyer decides to rescind the real estate purchase contract, the buyer shall not be entitled to any damages but shall be entitled to the immediate return of all deposits.
- c. In addition to the rights of rescission granted to the buyer under this chapter, when the seller negligently fails to provide the disclosure statement required by this chapter, the seller shall be liable to the buyer for the amount of the actual damages, if any, suffered as a result of the seller's negligence.
- d. In addition to the remedies allowed under subsection (b) or (c), a court may also award the prevailing party attorney's fees, court costs, and administrative fees.

508D-16.5. Rescission.

Notwithstanding anything to the contrary in this chapter, any action for rescission brought under this chapter shall commence prior to the recorded sale of the real property.

508D-17. Limitation of actions.

- a. Any action brought under this chapter shall commence within two years from the date the buyer received the disclosure statement; provided that if no disclosure statement was delivered to the buyer, then the action shall commence within two years of the recorded sale of the residential real property.
- b. This chapter supersedes all other laws relating to the time for commencement of actions for failure to make the disclosures required by this chapter.

508D-18. Alternative dispute resolution.

If the real estate purchase contract provides for alternative dispute resolution, then prior to filing an

action in any court to enforce this chapter, a seller or buyer shall first submit the claim to alternative dispute resolution as required in the real estate purchase contract.

508D-19. Severability.

If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application, and to this end the provision[s] of this chapter are severable.

508D-20. Repealed: June 12, 1996.

[E-mail Your Ideas](#)

[List of Statutes](#)

[Return to the Table of Contents](#)

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RESIDENTIAL PROPERTY DISCLOSURE STATEMENT

Notice to Seller and Purchaser

The North Carolina Residential Property Disclosure Act requires the owner of residential real property consisting of 1-4 units, whenever the property is to be sold, exchanged, optioned, or purchased pursuant to a lease with option to purchase, to furnish to the purchaser a RESIDENTIAL PROPERTY DISCLOSURE STATEMENT disclosing certain conditions of the property. Certain transfers of residential property are excluded from this requirement by G.S. 47E-2, including transfers of residential property made pursuant to a lease with an option to purchase where the lessee occupies or intends to occupy the dwelling.

Property Address/Description: _____

The undersigned owner(s) of the real property described above disclose the following present conditions of the real property of which the owner(s) has actual knowledge with regard to:

1. Any abnormality or malfunctioning of the **water supply** or **sanitary sewage disposal** system:
☐ Yes ☐ None Known ☐ No Representations
If Yes, please describe _____
2. Any damage to or abnormality of the **roof, chimneys, floors, foundation, basement, or load-bearing walls, or any leak in the roof or basement**:
☐ Yes ☐ None Known ☐ No Representations
If Yes, please describe _____
3. Any abnormality or malfunctioning of the **plumbing, electrical, heating, or cooling** systems:
☐ Yes ☐ None Known ☐ No Representations
If Yes, please describe _____
4. Present infestation of **wood-destroying insects** or organisms or past infestation the damage for which has not been repaired:
☐ Yes ☐ None Known ☐ No Representations
If Yes, please describe _____
5. The real property's violation of **zoning laws, restrictive covenants or building codes**; any **encroachment** of the real property from or to adjacent real property; or **notice from any governmental agency** affecting this real property:
☐ Yes ☐ None Known ☐ No Representations
If Yes, please describe _____
6. Presence of **lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material** (whether buried or covered):
☐ Yes ☐ None Known ☐ No Representations
If Yes, please describe _____

The purchaser and owner may wish to obtain professional advice about, or inspections of, the real property. The owner has a duty to disclose any material inaccuracy in this statement or any material change in the real property which is discovered between the date of this statement and the closing of the transaction. The owner(s) acknowledge having examined this statement before signing below:

Owner _____ Date _____ Owner _____ Date _____

The purchaser(s) acknowledge receipt of a copy of this disclosure statement and further acknowledge that they have examined it before signing below:

Purchaser _____ Date _____ Purchaser _____ Date _____

REC 10/97

NORTH CAROLINA RESIDENTIAL PROPERTY DISCLOSURE ACT GUIDELINES

***For the complete text of the Residential Property Disclosure Act, see
North Carolina General Statutes Chapter 47E***

The Residential Property Disclosure Act ("Act") requires owners of residential real estate to furnish purchasers a **Residential Property Disclosure Statement** ("Statement"), **whether or not the owner is assisted by a licensed real estate broker or salesman**. The form on the reverse side of this sheet meets the requirements of the Act.

The Act covers the transfer of residential property--from a single family dwelling unit to buildings containing up to four dwelling units. It applies whether the property is to be sold, exchanged, **optioned** or purchased under a lease with option to purchase (unless the tenant is already occupying or intends to occupy the dwelling). Certain transactions are exempted from the Act, including the first sale of a dwelling which has never been inhabited. [For a complete list of exemptions, see N.C.G.S. **47E-2.**]

Completing the Statement

As the owner of the property, you must enter on the Statement the address of the property (sufficient to identify it) and sign and date it. You must also check **0** one of the boxes for each of the six items listed.

If you check "Yes" for any item, you must describe the problem ("septic tank malfunctions", "electrical outlet in living room doesn't work", etc.). If you are using the services of a real estate broker or salesman, you are still responsible for completing and delivering the Statement to the purchaser. Instead of inserting your written description of the condition, you may attach to the Statement any report which you might have from an engineer, contractor, pest control operator or other expert or public agency describing it. If you attach a report from an expert or public agency, you will not be liable for any inaccurate or incomplete information contained in it so long as you were not grossly negligent in obtaining or transmitting the information.

If you check "**None Known**" for an item, you are stating that you have no actual knowledge of any problem. If you check "**None Known**" when you know there is a problem, you may be liable for making an intentional misstatement.

[Note: If you check "Yes" or "**None Known**" and "something happens to make your Statement incorrect or inaccurate (for example, the roof begins to leak), you must promptly give the purchaser a corrected Statement or correct the problem.]

If you check "No **Representations**", you have no duty to disclose the conditions of the property, whether or not you should have known of them.

If you are assisted in the transaction by a licensed real estate broker or salesman, the agent must disclose any material facts about your property which the agent knows or should reasonably know. The real estate agent has a duty to disclose material facts regardless of your responses on the Statement.

Furnishing the Statement

You must give the completed Statement to the purchaser no later than the time the purchaser makes an offer for your property. If you do not, the purchaser can, under certain conditions, cancel any resulting contract (See "**Note to Purchasers**" below). You should give the purchaser a copy of the Statement containing your signature and keep a copy signed by the purchaser for your records.

Note to Purchasers

If the owner does not give you a Residential Property Disclosure Statement by the time you make your offer to purchase the property, you may under certain conditions cancel any resulting contract. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following the date of the contract or three calendar days following your receipt of the Statement, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after the transaction has been closed or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

If you properly cancel the contract, you are entitled to a refund of any deposit monies you may have paid, and you cannot be otherwise penalized.

AIRCRAFT NOISE NOTIFICATION

Dear Property Owner:

You are listed by the Wake County Tax Office as the owner of a parcel of land located within the general area surrounding Raleigh-Durham International Airport (RDU) that is exposed to average aircraft noise levels which exceed typical ground-based, or background, noise. The map displays that area and shows contours of equal average aircraft noise exposure associated with current flight operations at the airport and those projected through approximately the year 2010. Sites closer to the airport are exposed to higher average noise levels than those farther away.

The purpose of this notice is to advise you that exposure to aircraft noise may affect the usability of some land for certain types of noise sensitive uses, including residential use. Persons who are sensitive to aircraft noise should satisfy themselves before buying the property that exposure to such noise will not materially affect their ability to use and enjoy land whose purchase they may be considering.

The Raleigh-Durham Airport Authority has and, upon request, will provide information which may be helpful to property owners and prospective purchasers in assessing the likely effect of aircraft noise on the use of land they own or are considering purchasing.


You also are advised that the "Residential Property Disclosure Act" (N.C.G.S. Chapter 47E) was enacted by the North Carolina General Assembly and became effective January 1, 1996. That law requires the owners of residential real property to disclose to prospective purchasers the existence of certain conditions associated with the property no later than the time an offer to purchase, exchange or option the property is made, or an option to purchase the property pursuant to a lease with an option to purchase is exercised.

Among the conditions that must be disclosed to and acknowledged by the prospective purchaser are any notice from any governmental agency affecting the property. The Airport Authority is a governmental agency. **THIS NOTICE SERVES AS YOUR NOTICE OF POTENTIAL AIRCRAFT NOISE IMPACT UPON YOUR PROPERTY AND SHOULD BE DISCLOSED TO ALL PROSPECTIVE PURCHASERS WHO MAY BE CONSIDERING USE OF THE PROPERTY FOR A RESIDENTIAL PURPOSE.**

For additional information or if you have questions or need assistance, please call the RDU Noise Officer at 919-840-2100 between 9:00 a.m. and 5:00 p.m. Monday-Friday or write to:


Noise Officer
Raleigh-Durham Airport Authority
P. O. Box 80001
RDU Airport, North Carolina 27623-0001

The Raleigh-Durham Airport Authority



THE LOUISIANA

REAL ESTATE COMMISSION



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[How to Obtain A Real Estate License](#)

[Background Checks](#)

[Table of Contents View All Sections](#)

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[Information Pamphlet](#)

[Disclosure & Consent to Dual Agency](#)

[Group Program Highlights Pro-Rated Premiums](#)

[Policy & Endorsements](#)

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The Louisiana Real Estate Commission

P.O. Box 14785 ~ Baton Rouge, LA 70898-4785

Phone: (225) 925-1923 or Toll Free (In Louisiana Only) 1-800-621-4529 ~ Fax: 225-925-4501

Contact Email: info@rec.state.la.us

[Employee Login](#)

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Site Design & Maintenance by Keith A Horton, LLC

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APPENDIX L

LIST OF PROGRAM AREA RESIDENTIAL PROPERTIES

This appendix includes a list of all the addresses of all the residential parcels within the Program Area, obtained from the Lafayette Assessor's GIS database.

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Type	Address	Assessor's Valuation
Multi-Family Residential	128 Theo St	\$ 129,400
Single Family Residential	100 Rue Conge Cir	\$ 180,900
Single Family Residential	1000 Hugh Wallis Rd	\$ 156,700
Single Family Residential	1006 Hugh Wallis Rd	\$ 103,500
Single Family Residential	101 Commons Dr	\$ 195,000
Single Family Residential	101 Shady Ridge Ln	\$ 22,002
Single Family Residential	1012 Hugh Wallis Rd	\$ 115,000
Single Family Residential	1018 Hugh Wallis Rd	\$ 91,900
Single Family Residential	102 Rue Conge Cir	\$ 182,000
Single Family Residential	1022 Hugh Wallis Rd	\$ 91,000
Single Family Residential	1028 S Hugh Wallis Rd	\$ 177,200
Single Family Residential	103 Commons Dr	\$ 227,400
Single Family Residential	1034 Hugh Wallis Rd	\$ 165,800
Single Family Residential	104 Rue Conge Cir	\$ 169,600
Single Family Residential	105 Commons Dr	\$ 203,100
Single Family Residential	106 Brookview Pl	\$ 22,000
Single Family Residential	106 Rue Conge Cir	\$ 184,900
Single Family Residential	107 Commons Dr	\$ 203,900
Single Family Residential	108 Rue Conge Cir	\$ 194,700
Single Family Residential	110 Rue Conge Cir	\$ 198,000
Single Family Residential	1100 Hugh Wallis Rd	\$ 9,000
Single Family Residential	1102 Hugh Wallis Rd	\$ 130,600
Single Family Residential	1106 S Hugh Wallis Rd	\$ 76,900
Single Family Residential	1109 S Hugh Wallis Rd	\$ 126,300
Single Family Residential	1112 Hugh Wallis Rd	\$ 141,900
Single Family Residential	1118 Hugh Wallis Rd	\$ 62,700
Single Family Residential	112 Rue Conge Cir	\$ 189,000
Single Family Residential	1120 Hugh Wallis Rd	\$ 46,800
Single Family Residential	1128 Hugh Wallis Rd	\$ 133,300
Single Family Residential	114 Rue Conge Cir	\$ 124,700
Single Family Residential	116 Rue Conge Cir	\$ 177,200
Single Family Residential	117 New Center Dr	\$ 199,760
Single Family Residential	118 Rue Conge Cir	\$ 205,300
Single Family Residential	119 Rue Conge Cir	\$ 22,400
Single Family Residential	120 Rue Conge Cir	\$ 141,650
Single Family Residential	1201 C Hugh Wallis Rd	\$ 263,100
Single Family Residential	1201 S Hugh Wallis Rd	\$ 151,500
Single Family Residential	1201 S Hugh Wallis Rd	\$ 156,019
Single Family Residential	1203 Hugh Wallis Rd	\$ 85,500
Single Family Residential	1205 Hugh Wallis Rd	\$ 123,450
Single Family Residential	121 Rue Conge Cir	\$ 196,900
Single Family Residential	122 Rue Conge Cir	\$ 186,750
Single Family Residential	124 Rue Conge Cir	\$ 22,400
Single Family Residential	126 Rue Conge Cir	\$ 170,600
Single Family Residential	128 Rue Conge Cir	\$ 219,900
Single Family Residential	130 Theo St	\$ 159,100
Single Family Residential	133 Theo St	\$ 105,700
Single Family Residential	201 Commons Dr	\$ 220,613
Single Family Residential	203 Commons Dr	\$ 213,500

Single Family Residential	217 Rosemary Pl	\$ 22,000
Single Family Residential	219 Rosemary Pl	\$ 22,000
Single Family Residential	224 Rosemary Pl	\$ 22,000
Single Family Residential	242 Rosemary Pl	\$ 221,765
Single Family Residential	245 Rosemary Pl	\$ 203,800
Single Family Residential	247 Rosemary Pl	\$ 44,002
Single Family Residential	301 Rosemary Pl	\$ 44,002
Single Family Residential	309 Rosemary Pl	\$ 217,565
Single Family Residential	319 Rosemary Pl	\$ 215,475
Single Family Residential	922 Hugh Wallis Rd	\$ 187,700
Single Family Residential	930 Hugh Wallis Rd	\$ 104,900
Vacant Residential	100 Brookview Pl	\$ 22,000
Vacant Residential	100 Lacebark Dr	\$ 22,000
Vacant Residential	100 Shady Ridge Ln	\$ 22,000
Vacant Residential	101 Brookview Pl	\$ 22,000
Vacant Residential	101 Lacebark Dr	\$ 22,000
Vacant Residential	102 Brookview Pl	\$ 22,000
Vacant Residential	102 Lacebark Dr	\$ 22,000
Vacant Residential	102 Shady Ridge Ln	\$ 22,000
Vacant Residential	103 Brookview Pl	\$ 22,000
Vacant Residential	103 Lacebark Dr	\$ 22,000
Vacant Residential	103 Shady Ridge Ln	\$ 22,000
Vacant Residential	104 Brookview Pl	\$ 22,000
Vacant Residential	104 Lacebark Dr	\$ 22,000
Vacant Residential	104 Shady Ridge Ln	\$ 22,000
Vacant Residential	105 Brookview Pl	\$ 22,000
Vacant Residential	105 Lacebark Dr	\$ 22,000
Vacant Residential	105 Shady Ridge Ln	\$ 22,000
Vacant Residential	106 Shady Ridge Ln	\$ 22,000
Vacant Residential	107 Brookview Pl	\$ 44,000
Vacant Residential	107 Lacebark Dr	\$ 22,000
Vacant Residential	107 Shady Ridge Ln	\$ 195,740
Vacant Residential	108 Shady Ridge Ln	\$ 22,000
Vacant Residential	110 Shady Ridge Ln	\$ 22,000
Vacant Residential	112 Shady Ridge Ln	\$ 22,000
Vacant Residential	114 New Center Dr	\$ 22,000
Vacant Residential	115 New Center Dr	\$ 44,000
Vacant Residential	116 New Center Dr	\$ 22,000
Vacant Residential	118 New Center Dr	\$ 22,000
Vacant Residential	131 Theo St	\$ 10,400
Vacant Residential	200 Shady Ridge Ln	\$ 22,000
Vacant Residential	202 Shady Ridge Ln	\$ 22,000
Vacant Residential	204 Shady Ridge Ln	\$ 22,000
Vacant Residential	206 Brookview Pl	\$ 22,000
Vacant Residential	208 Brookview Pl	\$ 22,000
Vacant Residential	210 Brookview Pl	\$ 22,000
Vacant Residential	212 Brookview Pl	\$ 22,000
Vacant Residential	221 Rosemary Pl	\$ 221,870
Vacant Residential	223 Rosemary Pl	\$ 233,203
Vacant Residential	225 Rosemary Pl	\$ 239,225
Vacant Residential	226 Rosemary Pl	\$ 22,000
Vacant Residential	227 Rosemary Pl	\$ 22,000

Vacant Residential	228 Rosemary Pl	\$ 22,000
Vacant Residential	229 Rosemary Pl	\$ 22,000
Vacant Residential	230 Rosemary Pl	\$ 196,400
Vacant Residential	231 Rosemary Pl	\$ 22,000
Vacant Residential	232 Rosemary Pl	\$ 22,000
Vacant Residential	233 Rosemary Pl	\$ 22,000
Vacant Residential	234 Rosemary Pl	\$ 22,000
Vacant Residential	235 Rosemary Pl	\$ 22,000
Vacant Residential	236 Rosemary Pl	\$ 22,000
Vacant Residential	237 Rosemary Pl	\$ 22,000
Vacant Residential	238 Rosemary Pl	\$ 22,000
Vacant Residential	239 Rosemary Pl	\$ 22,000
Vacant Residential	240 Rosemary Pl	\$ 22,000
Vacant Residential	241 Rosemary Pl	\$ 22,000
Vacant Residential	243 Rosemary Pl	\$ 22,000
Vacant Residential	244 Rosemary Pl	\$ 22,000
Vacant Residential	303 Rosemary Pl	\$ 22,000
Vacant Residential	305 Rosemary Pl	\$ 22,000
Vacant Residential	307 Rosemary Pl	\$ 22,000
Vacant Residential	311 Rosemary Pl	\$ 22,000
Vacant Residential	313 Rosemary Pl	\$ 22,000
Vacant Residential	315 Rosemary Pl	\$ 22,000
Vacant Residential	317 Rosemary Pl	\$ 22,000
Vacant Residential	321 Rosemary Pl	\$ 22,000
		\$ 10,820,591.00

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APPENDIX M

PUBLIC PARTICIPATION AND COMMENT

This appendix includes public meeting boards, sign-in sheet, public comment, and advertisement with proof of publication. This appendix also contains the petition provided to the Airport from the residents of the New Center Commons, Phase 2 subdivision.

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WELCOME TO

LAFAYETTE REGIONAL AIRPORT

CFR PART 150 STUDY

NOISE COMPATIBILITY PROGRAM (NCP)

PUBLIC WORKSHOP

February 26, 2013



PART 150 PROCESS

NOISE EXPOSURE MAPS

ACCEPTED BY THE FAA

on

April 3, 2012

NOISE COMPATIBILITY PROGRAM

Operational Noise Abatement Alternatives



Land Use Noise Mitigation Alternatives



We Are Here



Public Review



Implementation Plan



Noise Compatibility Program Report



Public Hearing

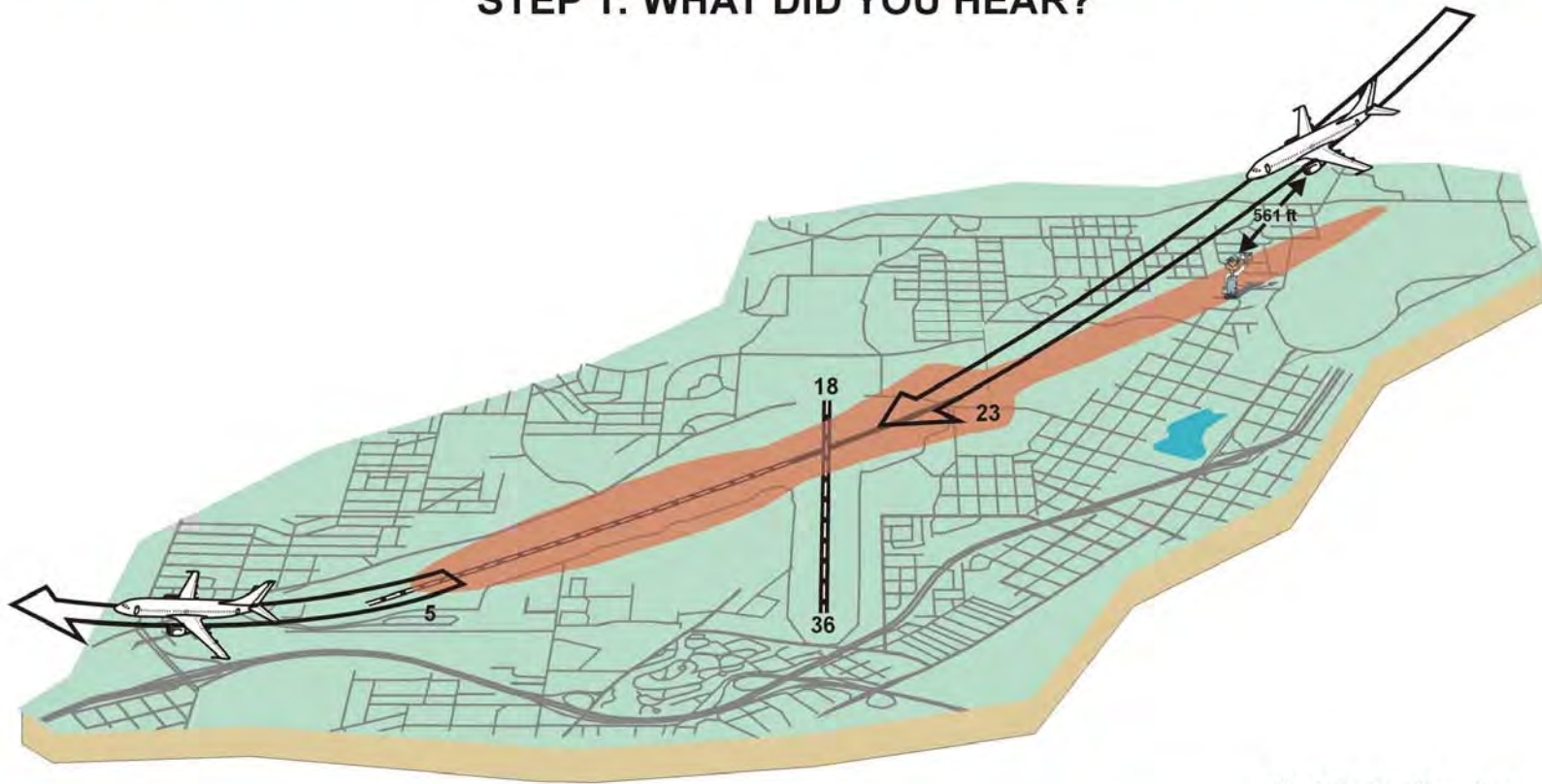


FAA Review & Approval – 180 Days



AIRCRAFT NOISE: HOW WE MEASURE IT AND ASSESS ITS IMPACT

STEP 1: WHAT DID YOU HEAR?



AIRCRAFT NOISE: HOW WE MEASURE IT AND ASSESS ITS IMPACT

STEP 2: HOW LOUD IS THAT?



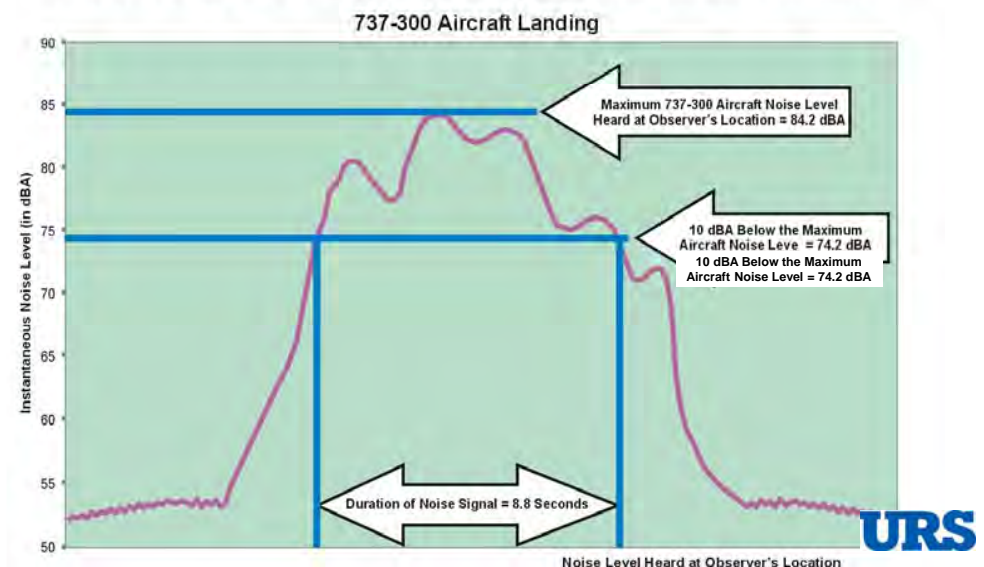
STEP 3: HOW LONG DID IT LAST?

The duration of an aircraft noise event is defined as the number of seconds between the first and last values of the instantaneous noise level which are a minimum of 10 dBA below the maximum aircraft noise level (L_{max}).

The Sound Exposure Level (SEL) describes with a single number the sound energy during an aircraft noise event. SEL takes into account both the duration and the magnitude of the aircraft noise event. The duration correction increases the magnitude in an attempt to account for the increased noisiness of sounds of long duration versus sounds of short duration. Because the duration of aircraft noise events are greater than one second, the numerical value of the SEL for an aircraft noise event is always greater than the numerical value of the maximum level, L_{max} .

For Example:

$L_{max} = 84.2 \text{ dBA}$ Duration = 8.8 seconds SEL = 90 dBA

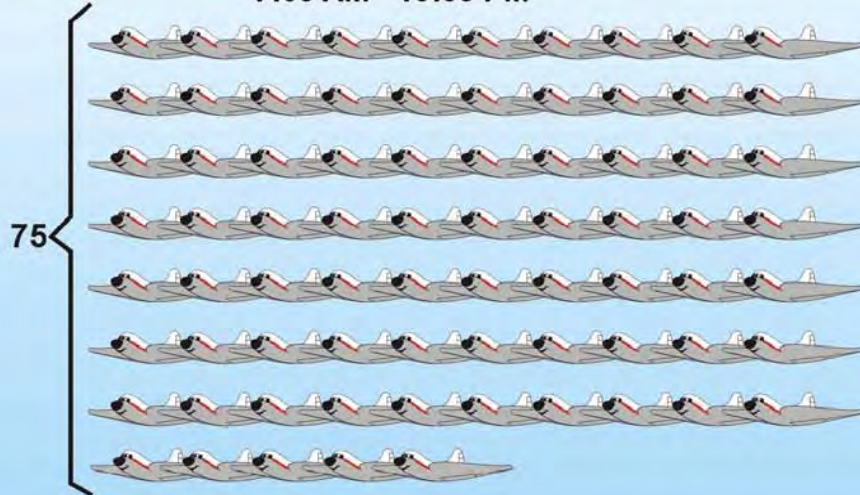


AIRCRAFT NOISE: HOW WE MEASURE IT AND ASSESS ITS IMPACT

STEP 4: HOW OFTEN DID YOU HEAR IT?



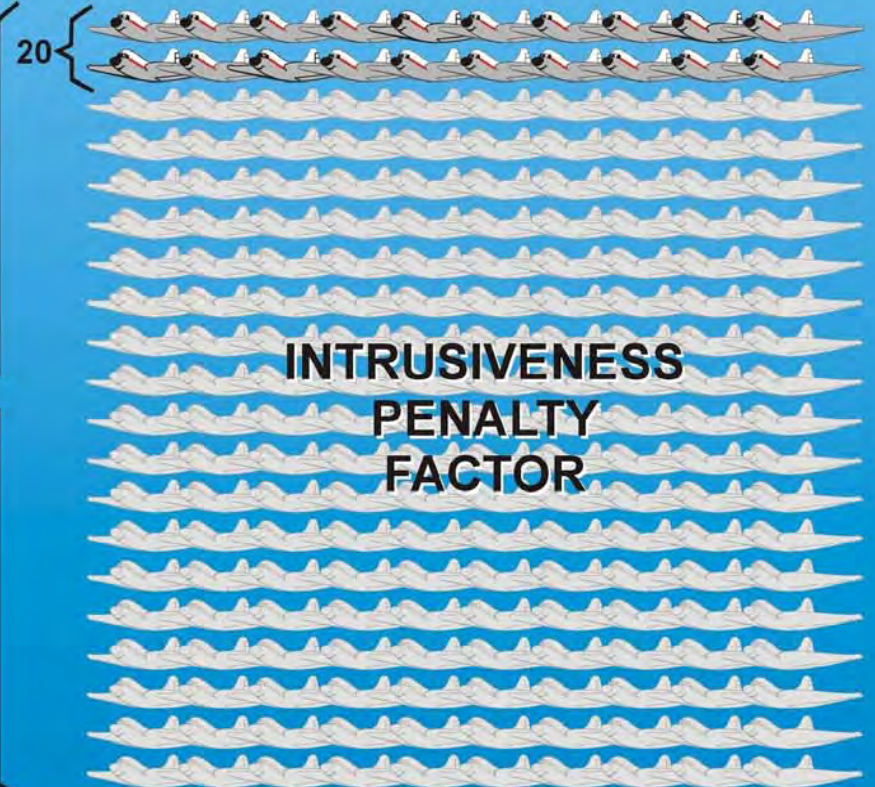
7:00 AM - 10:00 PM



OVERFLIGHTS



10:00 PM - 7:00 AM



DAY NIGHT LEVEL CALCULATION

$$DNL = 90 + 10 \log \left[\frac{75 + (10 \times 20)}{86,400} \right]$$

Yields

DNL 65 dB



URS

Land Use Compatibility* With Yearly Day-Night Average Sound Levels

FAA Land Use Compatibility Table

Yearly Day-Night Average Sound Level (DNL)

Below 65 Decibels 65-70 Decibels 70-75 Decibels 75-80 Decibels 80-85 Decibels Over 85 Decibels

Residential

Residential (Other than mobile homes & transient lodges)
Mobile Home Parks
Transient Lodging

Y	N ¹	N ¹	N	N	N
Y	N	N	N	N	N
Y	N ¹	N ¹	N ¹	N	N

Public Use

Schools
Hospitals, Nursing Homes
Churches, Auditoriums, Concert Halls
Governmental Services
Transportation
Parking

Y	N ¹	N ¹	N	N	N
Y	25	30	N	N	N
Y	25	30	N	N	N
Y	Y	25	30	N	N
Y	Y	Y ²	Y ³	Y ⁴	Y ⁴
Y	Y	Y ²	Y ³	Y ⁴	N

Commercial Use

Offices, Business & Professional
Wholesale & Retail Building Materials, Hardware & Farm Equipment
Retail Trade - General
Utilities
Communications

Y	Y	25	30	N	N
Y	Y	Y ²	Y ³	Y ⁴	N
Y	Y	25	30	N	N
Y	Y	Y ²	Y ³	Y ⁴	N
Y	Y	25	30	N	N

Manufacturing & Production

Manufacturing, General
Photographic and Optical
Agriculture (Except Livestock) & Forestry
Livestock Farming & Breeding
Mining & Fishing, Resource Production & Extraction

Y	Y	Y ²	Y ³	Y ⁴	N
Y	Y	25	30	N	N
Y	Y ⁶	Y ⁷	Y ⁸	Y ⁸	Y ⁸
Y	Y ⁶	Y ⁷	N	N	N
Y	Y	Y	Y	Y	Y

Recreational

Outdoor Sports Arenas, Spectator Sports
Outdoor Music Shells, Amphitheaters
Nature Exhibits & Zoos
Amusement, Parks, Resorts, Camps
Golf Courses, Riding Stables, Water Recreation

Y	Y ⁵	Y ⁵	N	N	N
Y	N	N	N	N	N
Y	Y	N	N	N	N
Y	Y	Y	N	N	N
Y	Y	25	30	N	N

Noncompatible Land Uses

Source: Title 14 CFR Part 150

*The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State or Local law. The responsibility for determining the acceptable and permissible land use remains with the local authorities. FAA determinations under Part 150 are not intended to substitute Federally-determined land use for those determined to be appropriate by local authorities in response to locally-determined needs and values in achieving noise-compatible land uses.

KEY TO FAA LAND USE COMPATIBILITY TABLE:

SLUCM Standard Land Use Coding Manual.

Y (Yes) Land Use and related structures compatible without restrictions.

N (No) Land Use and related structures are not compatible and should be prohibited.

NLR Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into design and construction of the structure.

25, 30 or 35 Land use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 must be incorporated in design and construction of structure.

NOTE FOR FAA LAND USE COMPATIBILITY TABLE:

- Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor NLR of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assumes mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
- Measures to achieve NLR of 25 must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
- Measures to achieve NLR of 30 must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
- Measures to achieve NLR of 35 must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
- Land use compatible provided special sound reinforcement systems are installed.
- Residential buildings require a NLR of 25.
- Residential buildings require a NLR of 30.
- Residential buildings not permitted.



Existing and Future Aircraft Operations

Aircraft Category	2010		2016		Percent Change
	Ave Day	Annual	Ave Day	Annual	
Scheduled Commercial	31.01	11,319	33.45	12,209	7.87 %
Cargo	4.04	1,475	4.41	1,610	9.16 %
Other Commercial	53.28	19,447	64.27	23,459	20.63 %
GA – Itinerant	67.99	24,816	92.99	33,941	36.77 %
GA – Local	34.79	12,698	29.18	10,651	-16.13 %
Military – Itinerant	2.00	730	1.56	569	-22.00 %
Military – Local	1.45	529	1.36	496	-6.21 %
Total	194.56	71,014	227.22	82,935	16.79 %

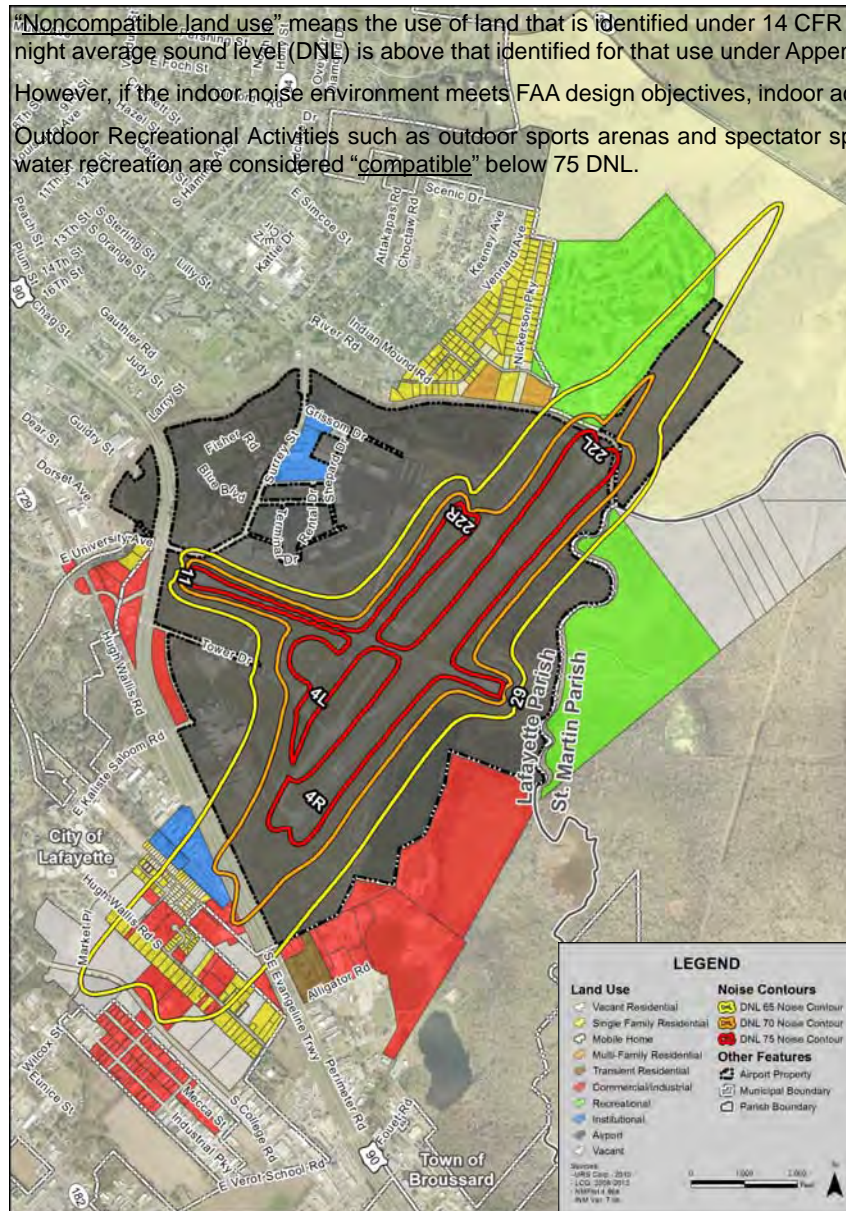


Existing and 2016 Noise Exposure Maps

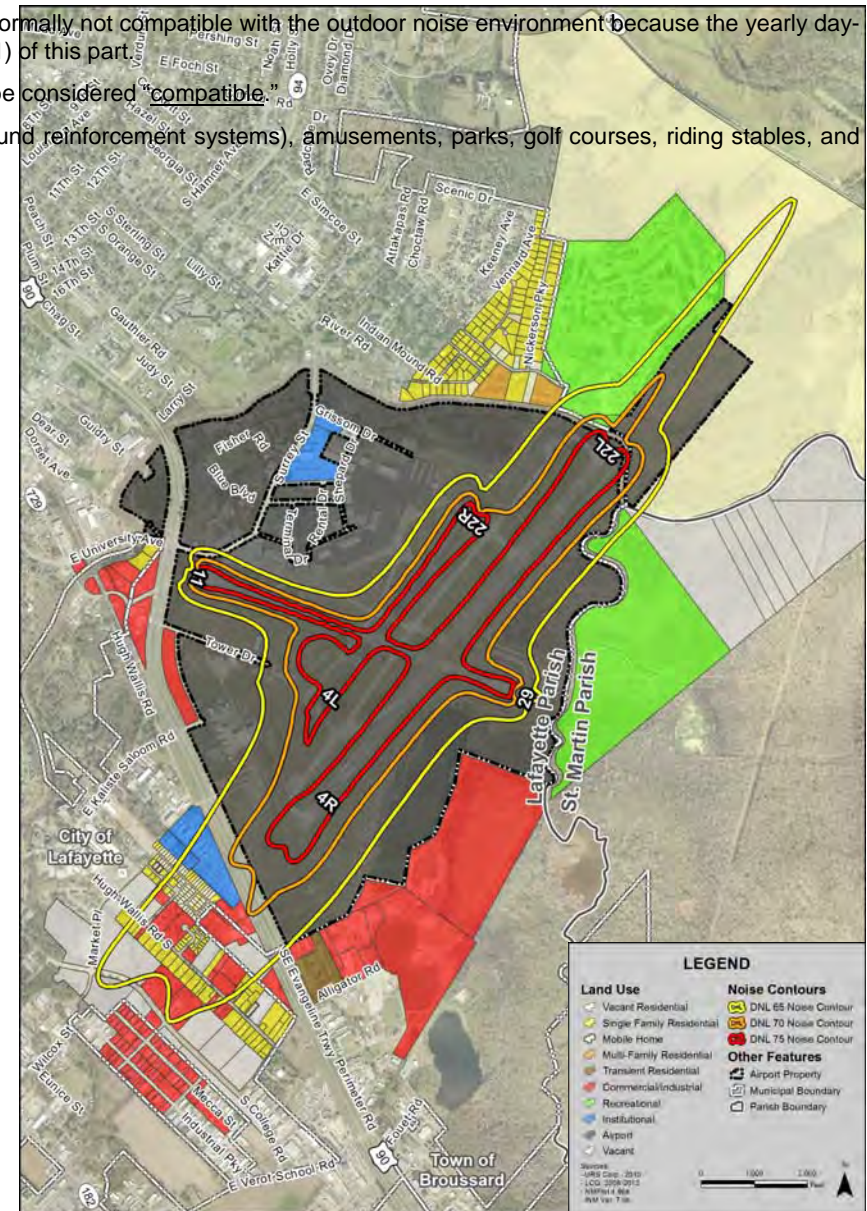
"Noncompatible land use" means the use of land that is identified under 14 CFR part 150 as normally not compatible with the outdoor noise environment because the yearly day-night average sound level (DNL) is above that identified for that use under Appendix A (Table 1) of this part.

However, if the indoor noise environment meets FAA design objectives, indoor activities may be considered "compatible."

Outdoor Recreational Activities such as outdoor sports arenas and spectator sports (with sound reinforcement systems), amusements, parks, golf courses, riding stables, and water recreation are considered "compatible" below 75 DNL.



Existing



2016



Existing and Future Condition Noise Exposure Estimates

2010 EXISTING CONDITION NOISE EXPOSURE ESTIMATES

(Acreage, by Land Use Type, Occurring Within Predicted Noise Contours)
Lafayette Regional Airport

Land Use Type (Acres)	DNL 65 to 70 dBA	DNL 70 to 75 dBA	DNL 75+ dBA	Total Over DNL 65 dBA
Airport	229.0	208.5	170.5	608.0
Commercial/Industrial	35.8	0.4	0.0	36.2
Institutional	12.3	0.1	0.0	12.4
Multi-Family Residential	0.3	0.0	0.0	0.3
Recreational	37.7	2.7	0.0	40.4
Single Family Residential	19.8	0.0	0.0	19.8
Utility/Right of Way	23.8	7.7	0.0	31.5
Vacant	29.2	0.0	0.0	29.2
Vacant Residential	26.2	0.0	0.0	26.2
Water	4.9	3.1	0.7	8.7
TOTAL	419.0	222.5	171.2	812.7
Population	DNL 65 to 70 dBA	DNL 70 to 75 dBA	DNL 75+ dBA	Total Over DNL 65 dBA
Noncompatible				
Multi-Family Residential	19.8	0.0	0.0	19.8
Single Family Residential	136.4	0.0	0.0	136.4
Total Population	156.2	0.0	0.0	156.2
Housing Units	DNL 65 to 70 dBA	DNL 70 to 75 dBA	DNL 75+ dBA	Total Over DNL 65 dBA
Noncompatible				
Multi-Family Residential	8	0	0	8
Single Family Residential	55	0	0	55
Total Units	63	0	0	63

2016 FUTURE CONDITION NOISE EXPOSURE ESTIMATES

(Acreage, by Land Use Type, Occurring Within Predicted Noise Contours)
Lafayette Regional Airport

Land Use Type (Acres)	DNL 65 to 70 dBA	DNL 70 to 75 dBA	DNL 75+ dBA	Total Over DNL 65 dBA
Airport	236.2	213.9	165.4	615.5
Commercial/Industrial	32.5	0.0	0.0	32.5
Institutional	12.5	0.0	0.0	12.5
Multi-Family Residential	0.2	0.0	0.0	0.2
Recreational	32.1	2.2	0.0	34.3
Single Family Residential	17.6	0.0	0.0	17.6
Utility/Right of Way	26.2	4.2	0.0	30.4
Vacant	23.2	0.0	0.0	23.2
Vacant Residential	24.8	0.0	0.0	24.8
Water	5.2	3.1	0.7	9.0
TOTAL	410.5	223.4	166.1	800.0
Population	DNL 65 to 70 dBA	DNL 70 to 75 dBA	DNL 75+ dBA	Total Over DNL 65 dBA
Noncompatible				
Multi-Family Residential	12.4	0.0	0.0	12.4
Single Family Residential	124.0	0.0	0.0	124.0
Total Population	136.4	0.0	0.0	136.4
Housing Units	DNL 65 to 70 dBA	DNL 70 to 75 dBA	DNL 75+ dBA	Total Over DNL 65 dBA
Noncompatible				
Multi-Family Residential	5	0	0	5
Single Family Residential	50	0	0	50
Total Units	55	0	0	55



FAA Acceptance of Noise Exposure Maps

2



U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region
Airports Division
Louisiana/New Mexico Airports
Development Office

2601 Meacham Blvd
Fort Worth, Texas 76137-4299

April 2, 2012

Gregory Roberts, A.A.E.
Director of Aviation
Lafayette Airport Commission
222 Tower Drive
Lafayette, LA 70508



Dear Mr. Roberts:

This is to notify you that the Federal Aviation Administration (FAA) has evaluated your final submission of the Noise Exposure Maps and supporting documentation transmitted by your letter of March 23, 2012 in accordance with Title 49, USC, Chapter 475, and has determined that they are in compliance with applicable requirements of 14 CFR Part 150 (Part 150). Further, we have determined that Exhibit 4.7, Existing (2010) Noise Contour Map and Exhibit 5.2, Future (2016) Noise Contour Map fulfill the requirements for the current and the 5-year noise exposure maps.

FAA's determination that your Noise Exposure Maps are in compliance is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of your data, information or plans.

Should questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on your Noise Exposure Maps, you should note that the FAA will not be involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the maps to resolve questions concerning, for example, which properties should be covered by the provisions of Title 49. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's determination relative to your Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with you the airport operator, or with those public and planning agencies with which consultation is required under Title 49. The FAA relies on the certification by you, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA will publish notice in the Federal Register announcing its determination on the Noise Exposure Maps for Lafayette Regional Airport.

Your notice of this determination and the availability of the Noise Exposure Maps, when published at least three times in a newspaper of general circulation in the parish or parishes where affected properties are located, will satisfy the requirements of Title 49.

Your attention is called to the requirements of section 150.21(d) of Part 150, involving the prompt preparation and submission of revisions to these maps if any actual or proposed change in the operation of Lafayette Regional Airport might create any substantial, new noncompatible use in any areas depicted on the maps.

Thank you for your continued interest in noise compatibility planning.

Sincerely,


Lacey D. Spriggs, Manager,
Louisiana/New Mexico
Airports Development Office



URS

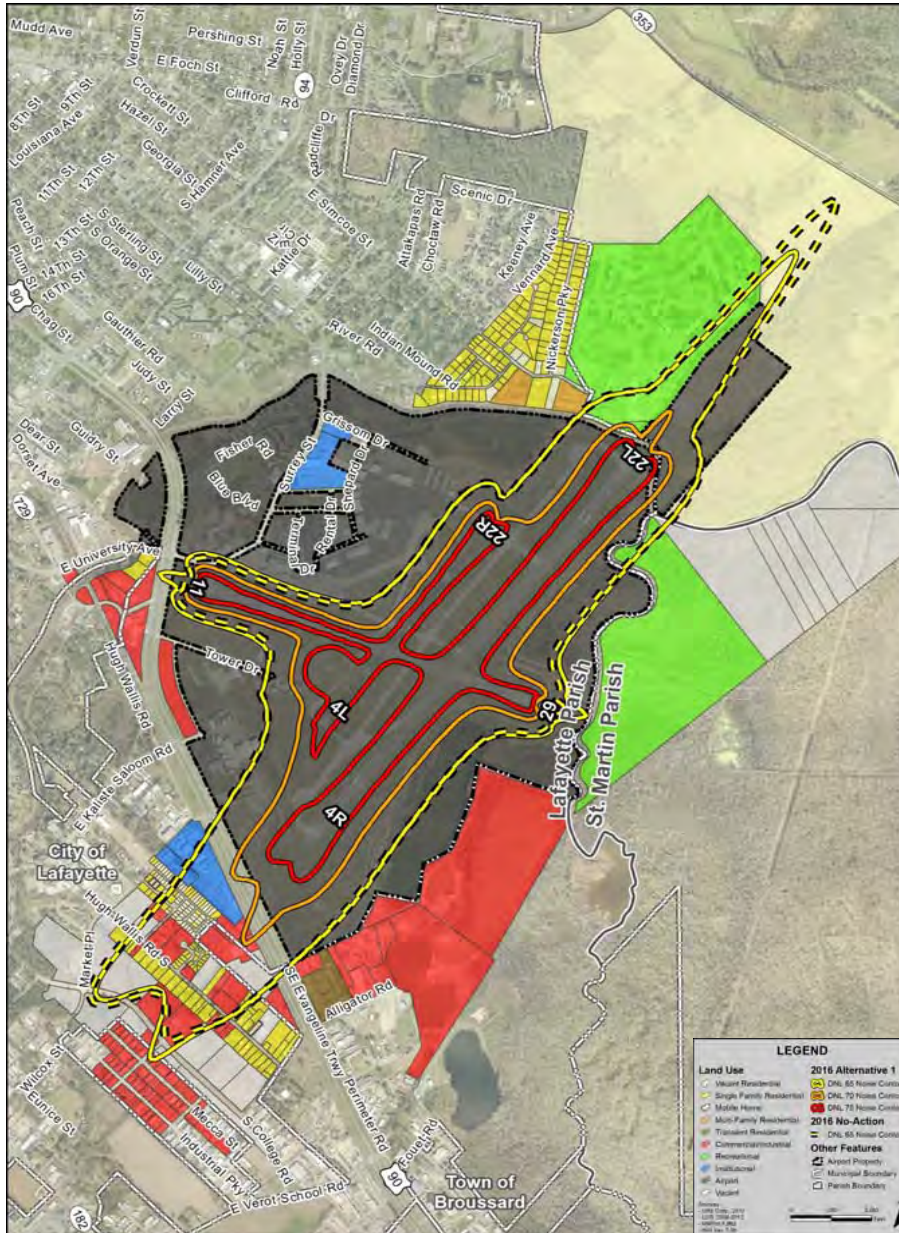
Operational Mitigation Alternatives

Operational Noise Abatement Alternatives	Advantages	Disadvantages	Recommended for NCP
Install Barriers and Acoustical Shielding	<ul style="list-style-type: none"> ✓ Reduces noise levels generated by ground sources at sites near the airport. 	<ul style="list-style-type: none"> ✓ Sources and receptors must be in close proximity for effective noise reduction. ✓ Expensive and permanent. ✓ May be unappealing to some. 	No
Preferential Runway Use System	<ul style="list-style-type: none"> ✓ Directs operations over more compatible land uses. ✓ May decrease area requiring land use mitigation measures. 	<ul style="list-style-type: none"> ✓ Decreases ATC flexibility and may cause delays. 	No
Modification of Flight Tracks	<ul style="list-style-type: none"> ✓ Shifts noise impacts away from noncompatible land use areas. ✓ Minimal expense. ✓ May decrease area requiring land use mitigation measures. 	<ul style="list-style-type: none"> ✓ May shift noise to areas not previously impacted. ✓ May effect ATC procedures, airport efficiency and capacity, and cause delays. ✓ Limited in some regard by aircraft performance. 	No
Airport Use Restrictions	<ul style="list-style-type: none"> ✓ Reduces noise impacts by restricting noisier aircraft. ✓ May decrease area requiring land use mitigation measures. 	<ul style="list-style-type: none"> ✓ Limits airport potential. Impacts local economy. Discourages new business. ✓ May inconvenience the traveling public. ✓ May violate Federal grant assurances. ✓ Usually requires detailed Part 161 study and FAA approval. 	No
Aircraft Noise Abatement Procedures	<ul style="list-style-type: none"> ✓ Decreases noise impacts. May decrease area requiring land use mitigation measures. 	<ul style="list-style-type: none"> ✓ Increases pilot workload. ✓ Slightly increases time to climb and en route time for some aircraft. 	Yes
Landing Fees	<ul style="list-style-type: none"> ✓ Generates revenue for noise mitigation projects. ✓ May shift aircraft operations to another airport where no landing fee is charged. If aircraft operations shift to another airport, it would reduce noise impacts. 	<ul style="list-style-type: none"> ✓ Possible discrimination against some aircraft. ✓ Increased administrative workload. ✓ May shift aircraft operations to another airport and decrease revenue opportunities for the airport. 	No
Curfews	<ul style="list-style-type: none"> ✓ Reduces noise impacts during the specified curfew period. ✓ May decrease area requiring land use mitigation measures. 	<ul style="list-style-type: none"> ✓ Reduces operation opportunity, airport capacity, and possibly airport revenue. ✓ Usually requires detailed Part 161 study and FAA approval. 	No



Operational Alternative 1

Preferential Runway Utilization

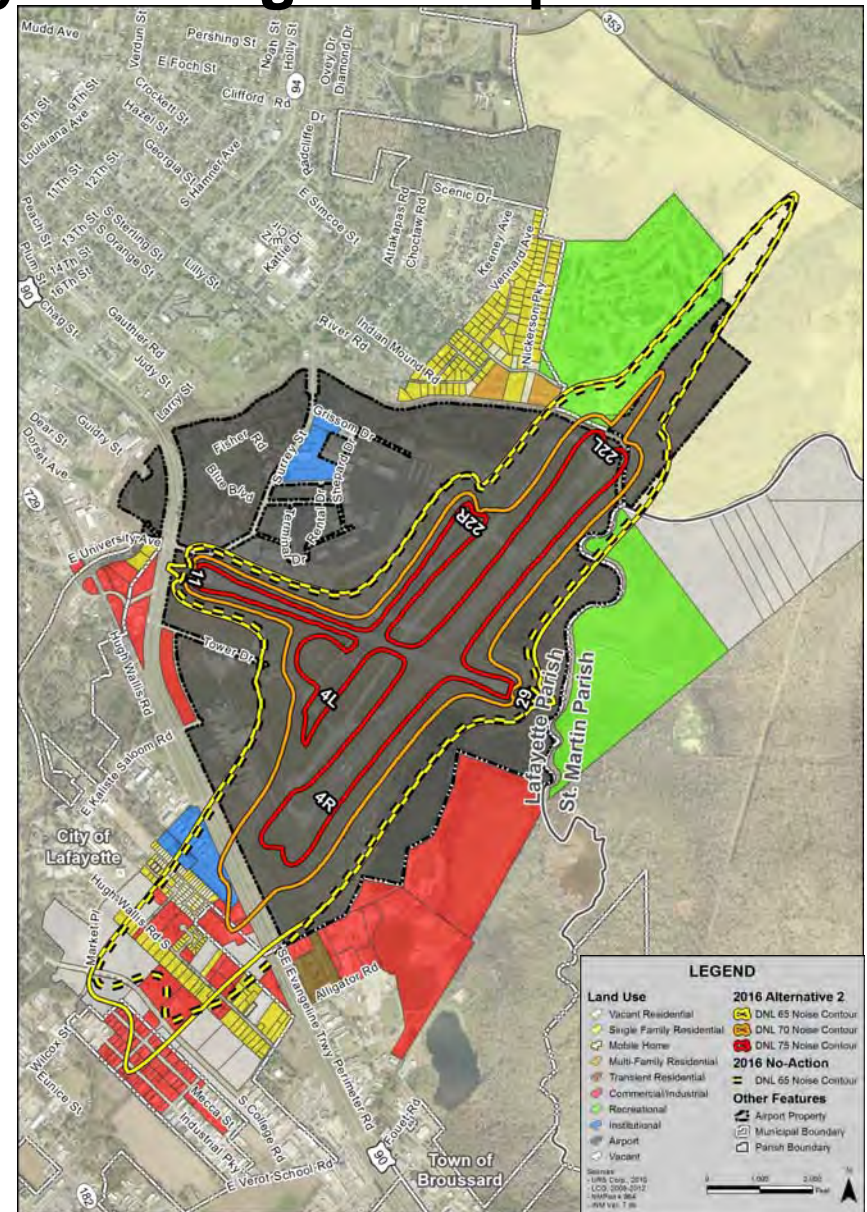
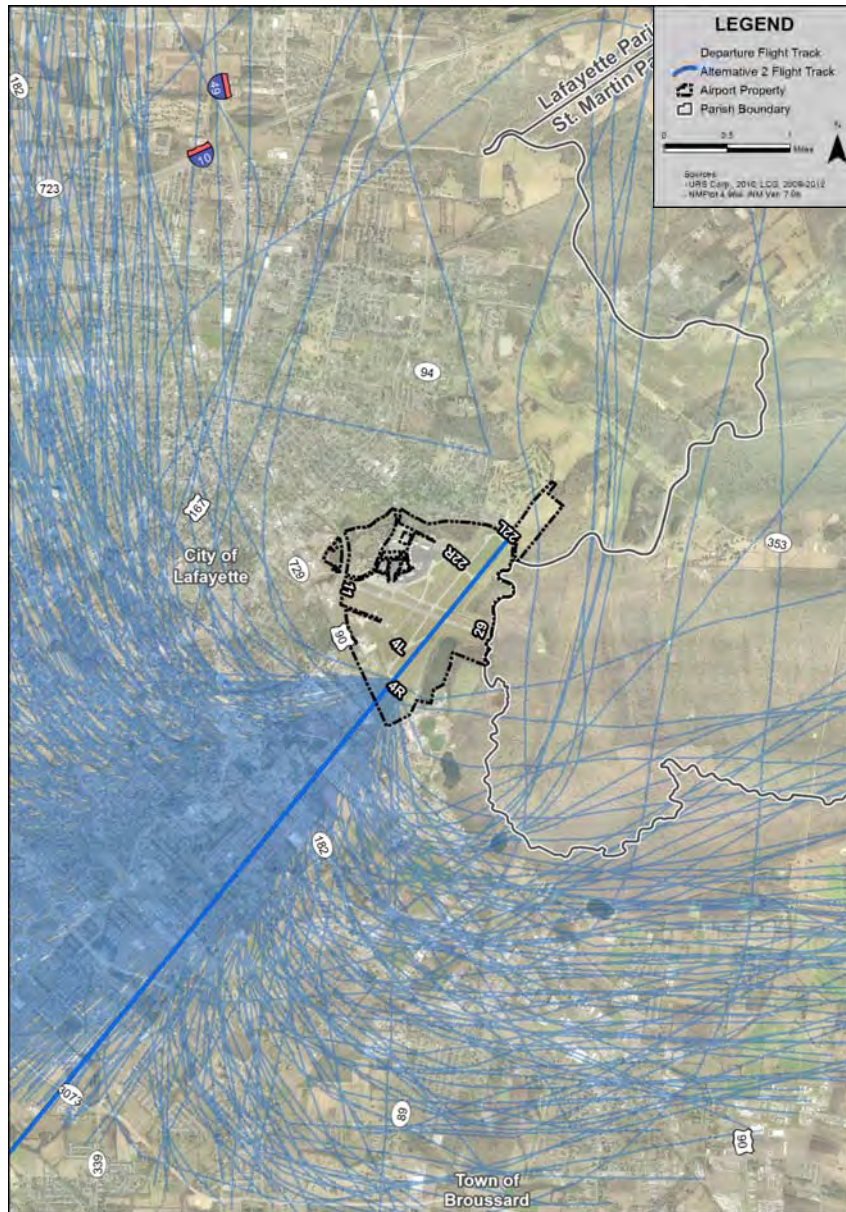


Runway	2016 Future Condition without Program Implementation	2016 Alternative 1
04R	23.7%	36.6%
22L	51.9%	37.1%
04L	2.4%	2.5%
22R	12.0%	6.4%
11	6.2%	10.3%
29	3.8%	7.1%



Modification of Flight Tracks

Alternative 2 – Maintain Runway Heading 22L Departures



Comparison of Land Use Impacts Operational Alternatives

Land Use (acres)	2016 Without Program Implementation	2016 Alternative 1	2016 Alternative 2
Total Compatible	757.4	769.8	810.2
Single Family Residential	17.6	17.2	16.4
Multi-Family Residential	0.2	0.1	0.6
Vacant Residential	24.8	13.0	27.9
Total Noncompatible	42.6	30.3	44.9
TOTAL	800.0	800.1	855.1
Change From Without Program Implementation		- 12.3	+ 2.3
Population			
Single Family Residential	124	121.5	119
Multi-Family Residential	12.4	7.4	27.3
Total Population	136.4	129.0	146.3
Change From Without Program Implementation		- 7.4	+ 9.9
Housing Units			
Single Family Residential	50	49	48
Multi-Family Residential	5	3	11
Total Housing Units	55	52	59
Change From Without Program Implementation		- 3	+ 4

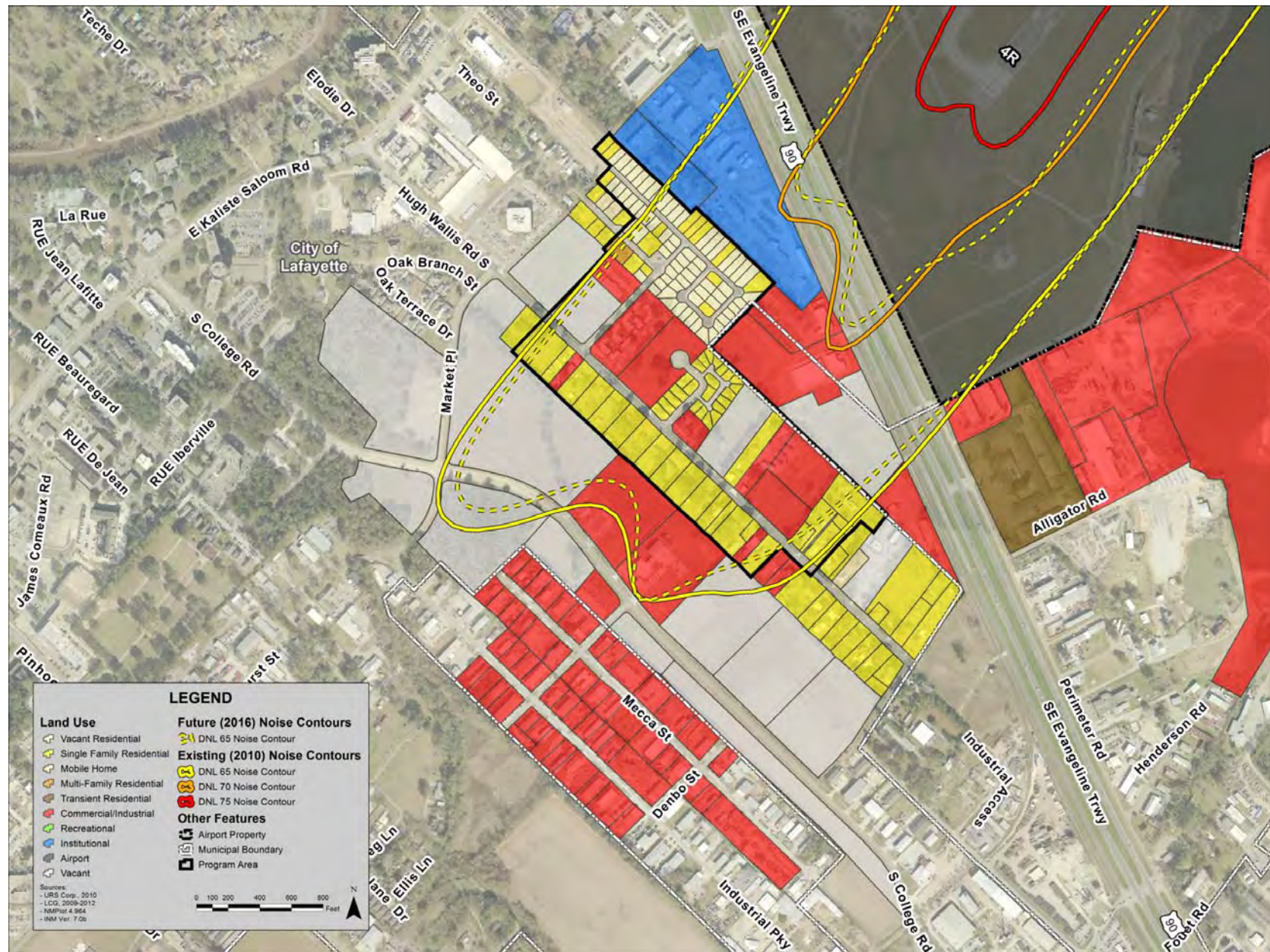


Land Use Mitigation Alternatives

Land Use Noise Mitigation Alternatives	Advantages	Disadvantages	Recommended for NCP
Establish compatible land use zoning	✓Discourages future noncompatible development	✓Requires cooperation of local jurisdiction(s)	Yes
Establish building code regulations	✓Discourages future noncompatible development	✓Requires cooperation of local jurisdiction(s)	Yes
Offer transfer of development rights	✓Lower cost than acquisition of full interest	✓Limited available land	No
Modify Real Estate Disclosure	✓Ensures that prospective buyers are fully informed of possible noise exposure	✓Requires cooperation of State Real Estate Commission	Yes
Acquire vacant residential parcels to prevent noncompatible development	✓Prevents future noncompatible development	✓High capital cost	No
Acquire land to change land use	✓Eliminates noncompatible land uses	✓High capital cost; ✓Disrupts neighborhoods	No
Offer purchase assurance/sales assurance/transaction assistance	✓Reimburses certain expenses to those who want to move away from the airport; ✓Airport never takes title; ✓Provides compatibility through easement	✓Homeowner maintains burden of selling home; ✓Does not reduce interior noise levels	No
Offer to purchase aviation easements	✓Provides monetary value to homeowners who want to remain in neighborhood; ✓Provides compatibility through easement for both developed and undeveloped parcels	✓Does not reduce interior noise level; ✓Easement value difficult to establish	Yes
Offer acoustical treatment of eligible residential structures	✓Reduces interior noise levels; ✓Provides compatibility through easement	✓Only effective with windows closed; ✓Does not reduce exterior noise levels	No



Draft Program Area



Summary of Recommended NCP

No.	Description of Measures	Estimated Cost	Benefit or Cost	Timing	Responsibility	Potential Funding Sources
OPERATIONAL MITIGATION MEASURES						
1	Encourage use of proscribed noise abatement arrival and departure procedures.	Administrative	May reduce exterior noise levels	2012-2013	Lafayette Airport Commission and the LFT Airport Traffic Control Tower	Local Operating Budget
REMEDIAL LAND USE MEASURES						
2	Offer to purchase an Avigation Easement from owners of noncompatible dwellings.	\$568,000	Provides compensation for noise compatibility	2012 – 2017	Lafayette Airport Commission	FAA AIP Grant Funds
PREVENTIVE LAND USE MEASURES						
3	The Airport Development Zone and the Height Control Area to be developed to reflect 2016 Future Condition Noise Contours, and LFT FAR Part 77 Imaginary Surfaces.	Administrative	Achieves noise compatibility	2012-2013	Lafayette Consolidated Government	Local Operating Budget
4	Building code amendments for residential land within the DNL 65+ dB contour at LFT.	Administrative	Reduces interior noise levels and achieves noise compatibility	2012-2013	Lafayette Consolidated Government	Local Operating Budget
5	Work with the Louisiana Real Estate Commission to gain approval of an addendum to or modification of the <i>Seller's Disclosure of Property Condition</i> to include location within the boundaries of the Airport Zoning Overlay District Height Control Area.	Administrative	Provides fair disclosure to potential buyers.	2012-2013	Lafayette Consolidated Government	Local Operating Budget



Estimated Mitigation Costs

Residence Type	# of Parcels	Avigation Easement Cost	Administrative Cost	TOTAL
Single Family	70	\$210,000	\$350,000	\$560,000
Multi-Family	1	\$3,000	\$5,000	\$8,000
TOTAL	71	\$213,000	\$355,000	\$568,000





SIGN-IN SHEET
PUBLIC WORKSHOP
LAFAYETTE REGIONAL AIRPORT
Part 150 Noise Compatibility Study
Airport Commission Meeting Room, Lafayette Regional Airport
February 26, 2013 6 to 8 pm
PLEASE PRINT YOUR NAME CLEARLY ON THE LINE BELOW

URS

NAME (Please Print)	Address (Street, City, State, Zip)	E-Mail Address
CHARLOTTE LINDSEY	1106 HUGH WALLIS RD S LAF. LA 70508	CLINDSEY06@COX.NET
Greg Roberts	222 Tower Dr LAPLA 70108	
Terry Hurd	601 Chemin Metairie Youngsville, LA	Tskthb5@Hotmail.com
ARND ROBIKOWITZ	LAC	—
DANIEL MOWEN		—
DIANNE BENTLEY		—
Ann Guilbeau	LAC	—
Tim Skinner	LAC	—
Mike Lindsey	1106 Hugh Wallis Rd. S. Laf. LA 70508	soilguy1@cox.net



SIGN-IN SHEET
PUBLIC WORKSHOP
LAFAYETTE REGIONAL AIRPORT
Part 150 Noise Compatibility Study
Airport Commission Meeting Room, Lafayette Regional Airport
February 26, 2013 6 to 8 pm
PLEASE PRINT YOUR NAME CLEARLY ON THE LINE BELOW

URS

NAME (Please Print)	Address (Street, City, State, Zip)	E-Mail Address
Bill Griffin	URS	bill_griffin@urs.com
Daniel Elsea	LAC	Daniel@LFTairport.com
Timeka Carter	Hanson Professional Services 525 Louisiana Ave., Shreveport, LA 71101	tcarter@hanson-inc.com
Deborah Lagos	URS	

3/25/13

Re:

Public meeting/Part 150 Study

Lafayette Regional Airport

Comments:

Well, lets see you have already cut the trees, extended the runway and now you care about my "comments" on this.

The trees removed means we lost the little sound barrier we had and now the planes are coming in lower. Much lower. What is the lowest they are allowed to come?

This is a government run business and I know, without a huge financial resource, it is near impossible "to fight city hall". The government will hire people (with MY money) to say and report what is in their best interest. How can you fight this.

How about thinking "smart" and about what will be needed in 20, 30 years from now. Many cities relocated their airport outside of the city limits for this reason.

I certainly don't feel \$3000 is a fair offer. This is my home!

Thank you,

Marilyn Cazayoux



122 Rue Conge

70508

marilyn@ccipipe.com

337-356-5261

1684281
LAFAYETTE
REGIONAL AIRPORT

PART 150 STUDY

NOISE
COMPATIBILITY
PROGRAM

PUBLIC WORKSHOP



The Lafayette Airport
Commission
will host a
Public Workshop
To Discuss the Results
and Findings of
the Part 150 Noise
Compatibility Study

FEBRUARY 26, 2013
Location: Airport
Commission Room
2nd Floor of the
Terminal

Lafayette Regional
Airport
222 Tower Drive
Lafayette, LA

Stop in Anytime
Between 6:00 PM and
8:00 PM
No formal presentation
is planned

Speak Directly with
our Consultants
Ask Questions and
Provide Suggestions

Written comments will
be accepted at the
Public Workshop
OR Comments may be
mailed, faxed, or
e-mailed to:
Dan Botto
URS Corporation
7650 West Courtney
Campbell Causeway
Tampa, FL 33607-1462
FAX: (813) 636-2400
E-Mail:
dan_botto@urs.com

Please submit
comments by
March 31, 2013

If you require special
assistance to attend
and participate in this
workshop, please call
Dan Botto at least 48
hours in advance of the
workshop at 813-675-
6507.

Order Confirmation

<u>Ad Order Number</u>	<u>Customer</u>	<u>Customer Account</u>	<u>Ordered By</u>	<u>PO Number</u>
0001684281	URS CORPORATION,	353742	Daniel T. Botto	***PREPAY***
<u>Sales Rep.</u>	<u>Customer Address</u>	<u>Customer Phone #1</u>	<u>Customer Phone #2</u>	
6500	7650 W. Courtney Campbell Causeway	813-675-6507		
<u>Order Taker</u>	Tampa, FL, USA 33607-1462	<u>Customer Fax</u>	<u>Customer EMail</u>	
6500		813-636-2400		
<u>Order Source</u>	<u>Payor Customer</u>	<u>Payor Account</u>	<u>Special Pricing</u>	
E-mail	URS CORPORATION,	353742	None	

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>	<u>Blind Box</u>	<u>Promo Type</u>	<u>Materials</u>
0	0	0			L_TDA Affidavit(1.0 X \$15.00)

<u>Invoice Text</u>	<u>Ad Order Notes</u>
LRApart150StudyNoisePublicWorkshop2/26	

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$223.56	\$0.00	\$223.56		\$0.00	\$223.56

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>	<u>Production</u>	<u>Production Notes</u>
0001684281-01	CLS Liner	1.0 X 79 Li	<NONE>	AdBooker	
<u>Ad Attributes</u>		<u>Ad Released</u>	<u>Pick Up</u>		
		No			

<u>Product Information</u>	<u>Placement/Classification</u>	<u>Run Dates</u>	<u># Inserts</u>	<u>Cost</u>
L_Daily Advertiser::	Public Notices	2/15/2013, 2/16/2013, 2/17/2013, 2/20/2013, 2/21/2013, 2/22/2013, 2/23/2013, 2/24/2013	8	\$223.56
<u>Run Schedule Invoice Text</u>	<u>Sort Text</u>			
1684281 LAFAYETTE REGIONAL	1684281LAFAYETTEREGIONALAIRPORTPART150S			

Committee of New Center Commons Phase 2 Subdivision

120 Rue Conge Circle
Lafayette, LA 70508

August 27, 2012

URS Corporation
Attn: Mr. Daniel Botto
7650 West Courtney
Campbell Causeway
Tampa, FL 33607-1462

RE: Petition for BUYOUT

Dear Mr. Botto,

After extensive research and careful consideration regarding the expansion of the Lafayette Regional Airport (LFT), the New Center Commons Phase 2 Subdivision Committee is submitting the attached petition, on behalf of the community, for your review. In lieu of any and all previous recommended NCP mitigation efforts, we realize our community is faced with substantial economic damages as well as serious safety, environmental and health hazards due to the expansion of the airport runway 4R/22L. Our small community does not accept any previous mitigation recommendations NCP has submitted as we believe the only acceptable mitigation option is a "BUYOUT".

New Center Commons Phase 2 Subdivision consists of the following:

- 21 Occupied Homes
- 2 Vacant lots - These lots are adjacent and owned by an "occupied" homeowner

Of the 21 occupied homes:

- 18 are occupied by the home owner
- 3 are rental properties - currently occupied by rental tenants

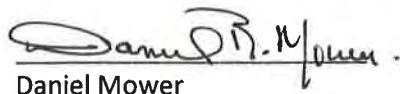
Signatures on file on behalf of New Center Commons Phase 2 Subdivision owners:

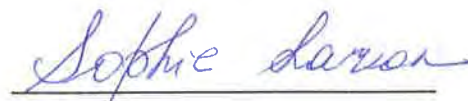
- 16 signatures on record from the owners of said homes
- 3 rental property owners declined to sign the petition
- 2 home owners declined to sign the petition


The total number of signatures collected: 18 out of the 21 giving us an 85.714%

Respectfully Submitted,


Dianne Bonhecage


Daniel Mower


Sophie Larson


Mark Larson

PETITION STATEMENT

We, the residents of New Center Commons Phase 2, Lafayette, Louisiana, petition URS Consulting, Lafayette Regional Airport (LFT), and the FAA (Federal Aviation Administration) to offer mitigation in the form of a "BUYOUT".

Current mitigation option for consideration from LFT for New Center Commons Phase 2 is the buyout of our Air Space for \$3000. This is not an acceptable offer.

We have been negatively impacted by the low flying and aircraft flight patterns currently implemented. The loud noise and pollutants caused by these aircraft traveling in-and-out of Lafayette Regional Airport are extremely distressing and sorely affecting the quality of life.

- Lafayette Regional Airport has been expanding its operations:
 - The runway expansion on 4R/22L has already been completed
 - Cargo terminal is under construction as of the meeting on August 14, 2013.
 - We were informed by LFT that the flight navigational path, i.e. slope on arrival/departure cannot change. We were also informed that from mid-summer of 2011, due to construction of the runway expansion, flights were required to approach higher and land 1000' further up the 4R/22L runway to accommodate for the construction. But since the extension was completed, the descent is now approximately 120'/145' above the ground.
 - LFT averages 100 flight landings a day according to **FlightStats.com** a program that tracks airport traffic nationwide and is based on 12-hour periods. However these numbers are not accurate as **FlightStats.com ONLY** tracks commercial or cargo aircraft. FlightStats.com currently does not take into account private aircrafts, or military aircraft. LFT has failed to provide 'boundary noise limits and zoning control'.
- **Property values are declining due to the airport expansion, increase in flights, lower flight patterns, noise and pollution.**
- Vibrations have caused stress structure damages on the interior of several homes since February 2013 when the runway was extended 350'.
- Health damages include but are not limited to the following:
 - Exposure to jet fuel emissions. Jet emissions are a great concern and no impact study has been performed. Louisiana Department of Environmental Quality does not consider Air Quality for Jet Emission.
 - Increased levels of noise.
 - URS, FAA, LFT did not conduct a study on health issues relating to noise. LFT did NOT recommend VdB Study. Louisiana Department of Environmental Quality does not have a Noise Abatement program or Noise Control regulations/protocol.
 - Noise, in decibels, has been measured **INSIDE** the home for airplanes and dB levels averaged **54 to 65 decibels**. Decibel levels **OUTSIDE**, have been measured in **excess of 85 db**. The sound comes in waves with approach to the home, a lull occurs, and then one can hear the "flaps" lower and the back thrust is often **louder** than the actual approach. These measurements have been documented.
 - Any type of indoor visual and audio entertainment must be kept at higher than normal levels.
 - Noise at night interrupts sleep. Airplanes fly all night long even though LFT **denies** this fact. Cited from LFT..."Airplanes cease at 10:30/11:00", but the truth is that airplanes are active 7 days a week and at night. Based on "flightware.com" for LFT, many airplanes are not posted. Assumption is that these are military or private airplanes.

- Weather conditions affect NOISE, PRESSURE and VIBRATION. No study on the subject has been performed.
- New Center Commons Phase 2 HOMES were initially .5 miles from the end of the runway, but are now less than .33 miles from the end of the now completed runway extension. There is no easement or buffer zone.
- Four (4) homes in the small community are under the direct flight patterns and the impact is greater.
- Louisiana does not (yet) have a State Regulation for Real Estate entities to disclose "dangerous/unsafe areas".

To summarize, our small community is faced with substantial economic damages due to **property devaluation** and with continuous serious safety, environmental and health hazards **including possible loss of life**. We hold Louisiana LFT, and the FAA accountable. The recent and forecasted expansions including cargo terminals (which means more cargo planes flying over our homes) and skilled marketing strategies to attract more flights to the area may be beneficial in terms of revenue for the City of Lafayette and LFT; however, the quality of life for our small community WILL be diminished. The outcome for New Center Phase 2 is DISMAL.

Therefore, the only form of mitigation to the residents residing on Rue Conge and Commons is a "BUYOUT" of our homes inclusive of relocation assistance and expense, and any other 'unforeseen' or 'unexpected' costs. In addition, LFT must pay for all health related medical issues caused by noise and jet emission during the period commencing January 2013 until relocation.

Petition Background

We do believe that air commerce has the right to expand in ways that maximize local economies, however it is necessary to be sensitive to and mitigate any “adverse impacts” to the local population, safety , health effects and that is a ‘best practice’ approach AS there is NO valid reason to proceed otherwise.

- Discrepancy in the contour maps. On or about 2010, the consulting firm utilized a typical flight footprint imposed over a land area that was void of any structures. It is questionable that all contour maps, computer-generated, in 2010, 2012 and ‘future’ 2016 can remain the **same** because the land use has since changed and will continue to change. There has been increased air traffic, more business developments, etc. since the initial maps. Consultants reported that they ‘merged’ the flight footprint maps to include both take-offs and landings into one contour map, however, they overlook the fact that their maps are based against flat land, thereby negating the fact that SOUND bounces off objects creating greater pressure, force and vibration. Consultants admit that all points of measure used for the contour maps were hypothetical.
- LFT wants to continue expansions, including cargo terminals, and generating more flights into the city (including larger aircrafts). The expansion shall continue through 2016. Consultants have concurred that all maps, calculations, etc. were based on land were void of structures on the ground. The reports did NOT take into consideration the impacts on structures, people, noise/vibration/pressure, air quality - jet emissions, etc. The report did not address human health issues which are widely know and documented.
- Prior to the expansion, flights were required to land approximately 1000’ further up the south west runway 4R/22L, however once the 349’ runway extension was completed **are now flying lower over our subdivision.**
- January 2013 - the extension completed, LFT airplanes are now flying at approximately 100’ to 145’ above the ground.
- Roughly 100 flights a day (this is an increase from before the extension started in 2011)
- Based on conversations with URS Corp (8/13/13) - the initial study for LFT Part 150 Noise Study has recommended this study to be re-evaluated. (RE: Environmental Determination Checklist FAA 2008)
- Section 3.0 Environmental Documentation - Does not include HUMAN IMPACT FACTORS
- 3.3.2 Potential Significance of Impact - Exhibit 10.2: “..... FAA has determined that mitigation measures are warranted for the four residences that would be newly included in the DNL 65 Contour.”
- See 2010 ‘Noise Exposure Maps’ URS Corp., handout 08/13/2013 - Rue Conge Circle is well within the 65dB and within a very close proximity of the 70dB zone.
- URS Corp - Noise Study is based on a constant ‘flat surface’. They did not take into consideration structures that have been removed, constructed and tree removal (noise buffers) on the property line of three properties with two of the properties directly in the flight path.
- 2010 Noise study did not allow for Aviation Easements as suggested by URS Corp as a plausible measure of resolution to the extra noise issues, but in 10.0 Summary of Recommended NCP (Land Use Noise Mitigation Measures) \$900,000 is provided for compensation for noise compatibility 2012/2017 LCG/LAC responsible and funding source: FAA AIP Grant Funds.

PETITION FROM NEW CENTER COMMONS PHASE2 SUBDIVISION TO FAA FOR REMEDIATION
FROM AIRPORT EXPANSION

In 2012, the Lafayette Regional Airport lengthened its runway approximately 900 feet closer to our subdivision which extended the takeoff/landing area 350 feet toward our property. Our homes have been affected, in part, by the following:

- Declining property values
- Stress fracture damages on home interiors
- Health hazards including excessive noise, vibration, jet fuel emissions from low flying aircraft

We are petitioning that the FAA, Lafayette Airport, and Lafayette Regional Airport commission **buyout** our property:

- Purchase our homes at the fair market value of a comparable home in an unaffected area in the city of Lafayette.
- To include closing costs and relocation expenses (movers, utility connect/disconnect fees).

* Petition statement is attached.

Name: *Sophie Larson*
Please print legibly *Sophie Larson*

E Mail *Volgalady1010@yahoo.com*

Address: *201 Commons Drive*

City - ST - Zip: *Lafayette, LA 70508*

Phone: *(337) 233-8652*

Name: *LEROY GARY*
Please print legibly *LEROY GARY*

E Mail: *Lgarry@comcast.com*

Address: *121 Rue Conge*

City - ST - Zip: *Lafayette, LA - 70508*

Phone: *337-207-3120*

Name: *DIANNE BONNECAZE*
Please print legibly *Dianne Bonnezaz*

E Mail *dianne.bonnezaze@gmail.com*

Address: *120 Rue 'CONGE' Circle*

City - ST - Zip: *LAFAYETTE, LA 70508*

Phone: *337-412-5274; 337-235-2715*

Name: *Gregory + Laura WYTP*
Please print legibly *Gregory + Laura WYTP*

E Mail: *gregory31383@yahoo.com*

Address: *100 Rue Conge Cir*

City - ST - Zip: *Lafayette, LA 70508*

Phone: *337-456-5699; 337-230-2015*

Name: *Sarah West*
Please print legibly *SARAH West*

E Mail *sarahj054@hotmail.com*

Address: *118 Rue Conge 'Circle*

City - ST - Zip: *LAFAYETTE, LA 70508*

Phone: *337-962-7867*

Name: *Paula DuPont*
Please print legibly *PAULA DUPONT*

E Mail: *padupont1@aol.com*

Address: *203 Commons DR*

City - ST - Zip: *LAFAYETTE, LA 70508*

Phone: *337-280-3654*

PETITION FROM NEW CENTER COMMONS PHASE2 SUBDIVISION TO FAA FOR REMEDIATION
FROM AIRPORT EXPANSION

In 2012, the Lafayette Regional Airport lengthened its runway approximately 900 feet closer to our subdivision which extended the takeoff/landing area 350 feet toward our property. Our homes have been affected, in part, by the following:

- Declining property values
- Stress fracture damages on home interiors
- Health hazards including excessive noise, vibration, jet fuel emissions from low flying aircraft

We are petitioning that the FAA, Lafayette Airport, and Lafayette Regional Airport commission **buyout** our property:

- Purchase our homes at the fair market value of a comparable home in an unaffected area in the city of Lafayette.
- To include closing costs and relocation expenses (movers, utility connect/disconnect fees).

* Petition statement is attached.

Name:
Please print legibly

FRANK PARKS

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Robert L. Butler

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Name:

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Butler

PETITION FROM NEW CENTER COMMONS PHASE2 SUBDIVISION TO FAA FOR REMEDIATION
FROM AIRPORT EXPANSION

In 2012, the Lafayette Regional Airport lengthened its runway approximately 900 feet closer to our subdivision which extended the takeoff/landing area 350 feet toward our property. Our homes have been affected, in part, by the following:

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- To include closing costs and relocation expenses (movers, utility connect/disconnect fees).

* Petition statement is attached.

Name:

Please print legibly

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Lafayette Regional Airport

Part 150

Estimate of Acquisition Cost's

New Center Commons Phase 2

Assessor's Account Number	Physical Address	Actual Market Value	Relocation and Moving ¹	Demolition and Clearing ²	Admin ³	Preliminary Expenses ⁴	Total Cost of Acquisition
6097528	101 Commons Dr	\$195,000.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$261,500.00
6097526	103 Commons Dr	\$227,400.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$293,900.00
6097525	105 Commons Dr	\$203,100.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$269,600.00
6097524	107 Commons Dr	\$203,900.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$270,400.00
6097520	201 Commons Dr	\$220,613.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$287,113.00
6097521	203 Commons Dr	\$213,500.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$280,000.00
6097472	100 Rue Conge Cir	\$180,900.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$247,400.00
6097473	102 Rue Conge Cir	\$182,000.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$248,500.00
6097474	104 Rue Conge Cir	\$169,600.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$236,100.00
6097481	106 Rue Conge Cir	\$184,900.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$251,400.00
6097483	108 Rue Conge Cir	\$194,700.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$261,200.00
6097499	110 Rue Conge Cir	\$198,000.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$264,500.00
6097500	112 Rue Conge Cir	\$189,000.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$255,500.00
6097502	114 Rue Conge Cir	\$124,700.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$191,200.00
6097503	116 Rue Conge Cir	\$177,200.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$243,700.00
6097504	118 Rue Conge Cir	\$205,300.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$271,800.00
6097519	119 Rue Conge Cir	\$22,400.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$88,900.00
6097505	120 Rue Conge Cir	\$141,650.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$208,150.00
6097517	121 Rue Conge Cir	\$196,900.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$263,400.00
6097506	122 Rue Conge Cir	\$186,750.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$253,250.00
6097507	124 Rue Conge Cir	\$22,400.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$88,900.00
6097508	126 Rue Conge Cir	\$170,600.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$237,100.00
6097509	128 Rue Conge Cir	\$219,900.00	\$25,500.00	\$6,000.00	\$20,000.00	\$15,000.00	\$286,400.00
TOTALS:		\$4,030,413.00	\$586,500.00	\$138,000.00	\$460,000.00	\$345,000.00	\$5,559,913.00

1. Includes: replacement housing payment, moving expenses, and business relocation expenses (if needed).

2. Includes: razing structure(s), and clean up.

3. Includes consultant staff time.

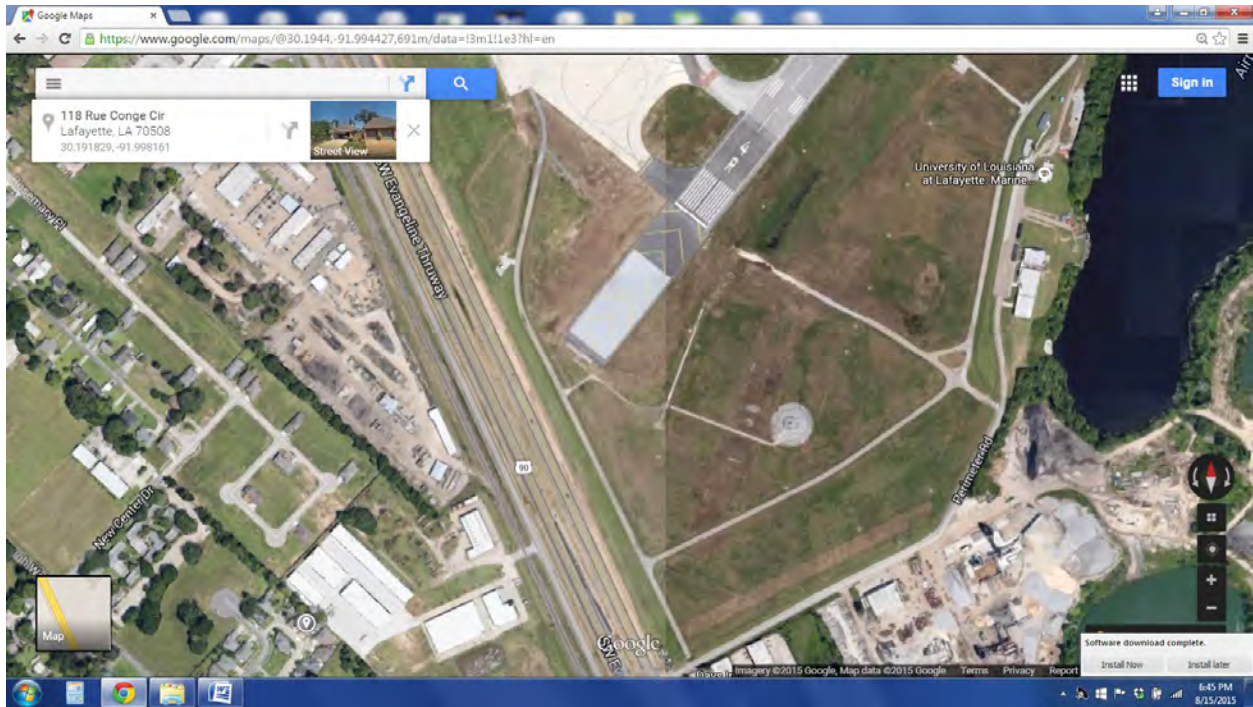
4. Includes: boundary survey, title search/review, abstract of title, environmental assessment, appraisal/review, and property preparation

RE: Noise Study LFT - Federal Register



This is my home located at 120 Rue Conge The above photo is just one of many depicting daily landings and take-offs on a given day or night. (The night photos are extremely disturbing) Aircraft are flying about 90' to 120' above the GROUND but depending on weather conditions are often lower. From the ground to the top of my chimney, the height of my home is approximately 35 Feet. You do the math! I am in the direct path of the runway. The noise and vibrations are seriously becoming a critical issue and on that same note, those issues are heightened during adverse weather conditions.

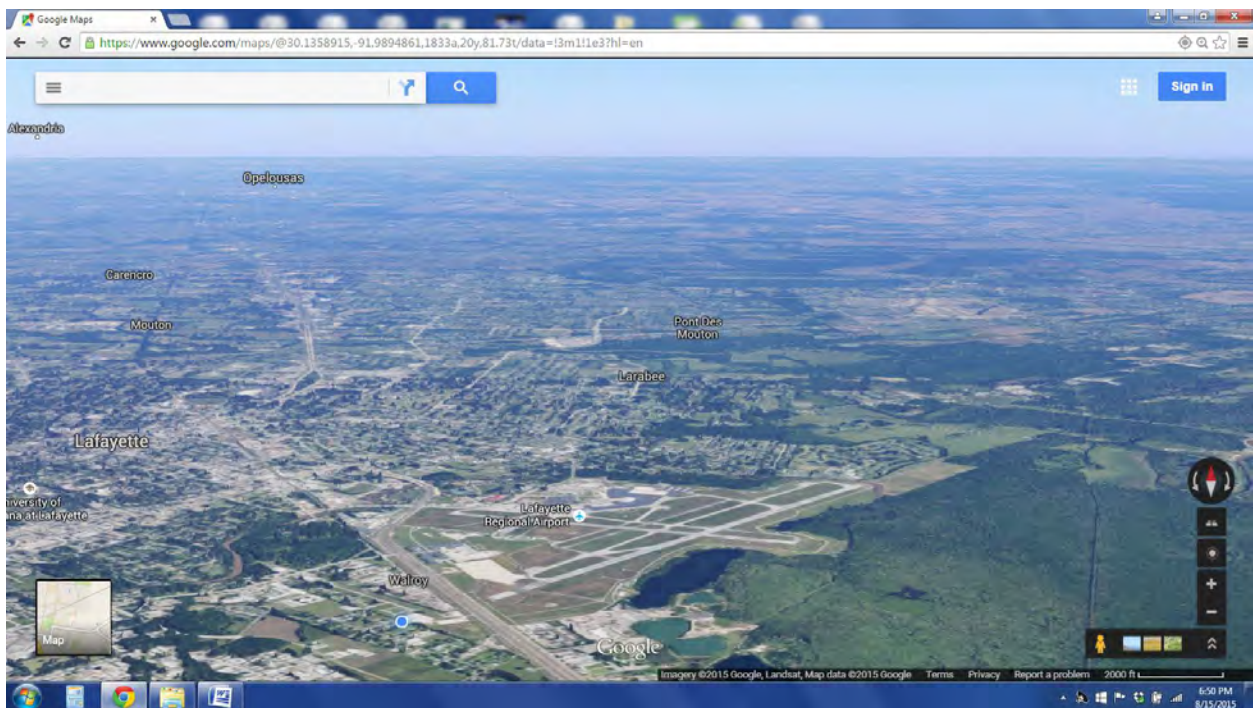
Background : I purchased the home at 120 Rue Conge Circle - Lafayette, LA in August of 2011. Louisiana's Real Estate 'disclosure act' does not require agents to disclose what is happening outside of the "physical limits" of the property being purchased. I asked ALL of the 'right' questions prior purchasing the home, but since there is a 'non-disclosure' of land use -- it is "buyer beware" as far as Realtors, Sellers, etc., ALL are allowed to lie stating "NO changes in environment, be it commercial, residential will be happening 'to the best of their knowledge'". Less than 5-months later, the airport extension of the runway was completed and the planes that were initially flying in at 300+ feet above the ground are now landing 1500 feet closer to the subdivision causing the low flying planes. (1000 foot shift away from Evangeline thruway during construction plus the 348 feet of new runway and 'crash zone' that was added and is now completed).



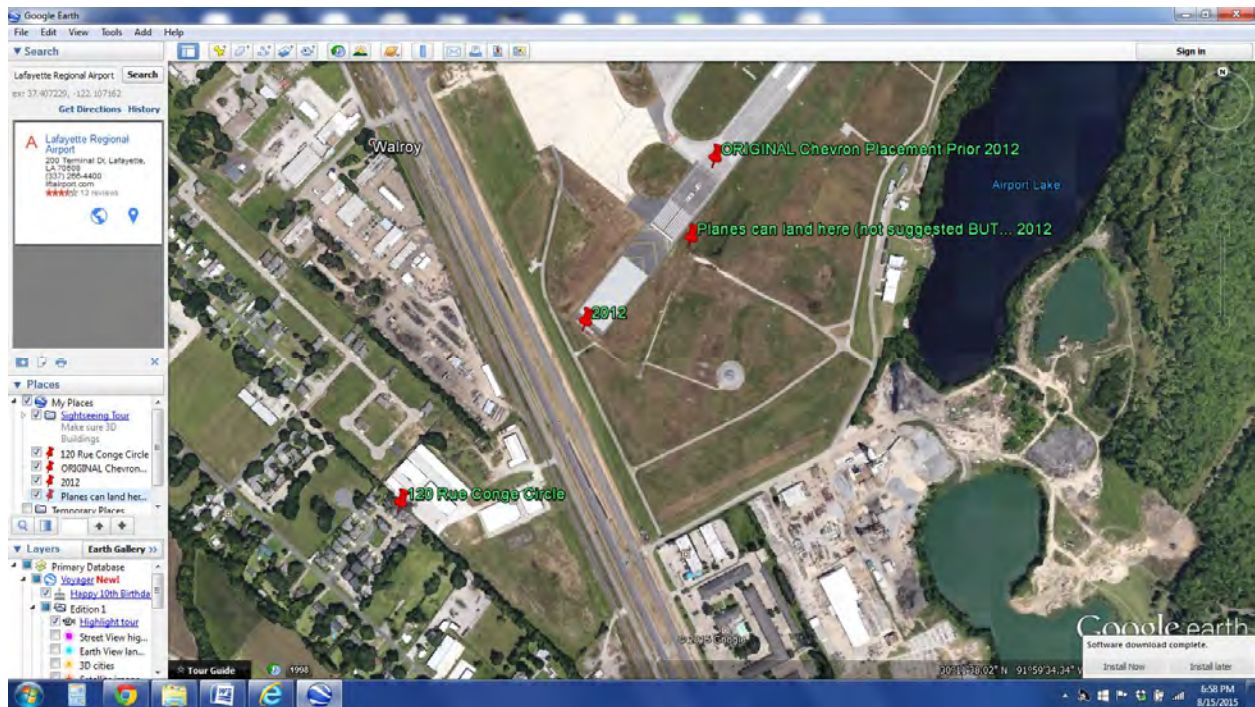
SEE the Bullet Noting 118/120 Rue Conge Cir as stated in the dropdown top left!!

NOW SEE the 4R -- darker are noting NEW PAVEMENT.

As you may already know this extension brings 4R 1500 plus feet closer to 118/120 Rue Conge



Different Perspective



See Red Pushpins - now do you see what we are talking about?

I was appalled -- NO I am ANGRY when I discovered The Federal Register published the "Noise Compatibility Program Notice; Lafayette Regional Airport; Lafayette, LA that LFT sent in on May 28, 2015. And, that the FAA is to review a program that is OVER 3-years old. Additionally, as you are well aware, the FAA's effective date for public comment ended on July 27, 2015 and the FAA will approve or disapprove said noise program on or before 11/24/2015. Do you have any IDEA how many changes have occurred with Lafayette Regional Airport since 2012 inclusive of commercial property development? This should make the 'noise study' null and void based on outdated data. And, most importantly, this data and maps used for this noise study presented is approximately 10 years old.

LFT and their consultants have once again mislead us and the FAA. They told us to "look" for the publishing of the noise compatibility program sometime around May 2014 or soon after. 2015, to my amazement, I find it published. Our initial complaint with LFT / consultants and STILL IS, is that the contour maps being used for the 150 Noise Study are outdated.

I can only speculate that LFT purposely delayed publishing the Noise Study for FAA review in order to focus on hiring a new LFT G.M., AND obtaining monies to begin projects such as building Bell Helicopters, expanding parking lots, repairing a relatively new runway that was improperly constructed including numerous "petty" projects, etc, prior the FAA approval of the noise study. Yes indeed, 2014/2015 were banner years for LFT receiving a lot of money via grants from the FAA, the State, and the passage of a 1 cent sales tax not to mention all of the 'other income' they themselves generate through land/air/building leases.

CONTENTIONS:

1) Safety, Environmental factors, Health factors, Decrease of property value, ETC..., To reiterate my position I am constantly bombarded with noise/vibration/fuel emissions, etc., because of the proximity to the runway. The aircraft arrivals/departures are beyond being a nuisance. It is destroying the quality of my life. The noise is deafening and my house vibrates to the point where all doors, windows or walls are constantly in need of repair. Inside the home we have had readings of 80 to 85 decibels. Any and all conversations via phone, person, etc., must cease when planes fly over. Planes fly at all times of the day and night which interrupts SLEEP. My service dog cannot even pay attention due to the loud noise and vibrations it feels. My property has sorely decreased in value.

2) Contour Maps: LFT and their consultants continue using the same contour maps with no modifications taking in account for community or environmental changes that have obviously taken place as the city grows.

When an airport submits a noise study, the FAA appears to simply take the word of the airport and their consultants. Does the FAA have a verification process to prove or disprove the findings of the submitting airport or, are taxpayers paying the FAA to "blindly" accept these submissions as fact? Currently the FAA is relying on computer generated data from 2005-2007 for LFT. Using a study that is nearly a decade old allows for flawed submissions which is exactly what has occurred with LFT. Does this seem logical to you? A new, more current set of studies must be performed. These new or updated studies MUST take into account the new commercial developments and other changes in landscape.

In addition, environmental impact studies were performed for the Fauna & Flora and historic buildings for noise, air quality, fuel emissions, etc to ensure their safety, yet NO study for the human factor? What is wrong with that picture? That in and of itself should raise serious questions and warrant an investigation.

If an airport boast 'increased' flights, expansion of runways, in a 'land locked' area of the city how could the map contours remain the same? **With LFT using old contour maps they are basically stating this community has not changed or grown in the past 10 plus years. If this is true, why are we paying \$96,000,000 for a new Airport Terminal?**

I feel the FAA has fallen short in its protecting those 'sitting on the ground' and allowing LFT to do as they please by 'fudging' crucial data. FAA forms are 'generic' at best and although based on software programs the interjections of 'hypothetical' points/numbers which generate the contour maps are NOT accurate. I understand said purpose, however, since LFT used the same contour maps generated over 10-years ago that is 'falsifying' data. Submission of a new noise study must be incurred to include all environmental impacts, changes in landscapes, historic buildings, new commercial development/construction, flight patterns along with the revised number of landings/arrivals per day inclusive of the Military and cargo planes. Adding all of the mentioned changes and factors since the original 'noise study' (Report 2012 / data collection - 2005/2007) - WILL definitely modify the contour maps.

3) Both the FAA and LFT agreed in 2014 to install noise and vibration monitors on our homes. That has not been done as of this date.

4) LFT states that "they" were 'here' first, which is true, however, the airport has made changes since 1930 that have and continue to affect the environment and its surrounding communities.

What is the purpose of the FAA if this department cannot enforce the regulations to protect, investigate, etc., which is boldly stated in the "FAA's Mission Statement/Requirements". From what I have read in the Federal regulations, is that the FAA/DOT does have the authority to override an airport's decision and the FAA can require airports to satisfactorily accommodate those areas affected adversely by their operations. Why can this NOT be done? The only publicized protection I ever hear the FAA/DOT does is to assist passengers, pilots, airport expansions, therefore, can it be said that the FAA's Mission Statement & Regulations" is at best pretentious.

5) I believe our 'petition' which was submitted back in August of 2013 was never taken seriously by LFT, Consultants, City of Lafayette, FAA/DOT, etc. We were promised feedback no later than November/December of 2013. We know this petition was discussed in LFT Commission meetings in depth as it is recorded in minutes which we have copies of. The jest of LFT's response was simply to purchase the subdivision's airspace and or to just take it away via public domain. However, 90' to 120' above ground does not constitute safety under navigational easement regs - safety issues at minimum are noise - vibration - aircraft failure, fuel emissions, aircraft vortices, etc.....

I do not have anything against 'progress and growth' of my city, however, when one looks at a "land locked airport" in the center of town, there exists a problem. By FAA designation, LFT is a public use, primary commercial service, and Short Haul airport. And, on another note, why does this small area need (two) 2 - airports (LFT and Acadiana Regional Airport) both begging for grants from the FAA that are less than 25-minutes away --- political bureaucracy at its best!

In all honesty, I am asking you, the FAA/DOT, to please for once to do the right thing and "protect" the people on the ground. I believe there is negligence on the part of LFT, LFT Airport Commission, FAA/DOT, Real Estate Commission, The City of Lafayette, Lafayette City Planning & Zoning, etc.

Sincerely,

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Public Review
Comment / Response Database

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Appendix M
Response to Comments
Lafayette International Airport
Noise Compatibility Program

Date	Commenter	Comment Number	Comment
3/25/2013	Marilyn Cazayoux	1	The trees removed means we lost the little sound barrier we had and now the planes are coming in lower. Mush lower. What is the lowest they are allowed to come?
			The removal of the trees was not to allow the aircraft to operate at lower altitudes, but to allow the aircraft to operate safety within the parameters of FAA regulations. The lowest altitude depends on the distance from the runway end. At a 3 degree glide slope at approximately 2,000 feet, the aircraft should be no lower than 105 feet AGL with some slight variation due to pilot skill and weather conditions.
		2	The Government will hire people (with my money) to say and report what is in their best interest. How can you fight this?
			The Airport, as the Sponsor, hires the consultant and reimburses the consultant through a grant provided by the FAA. Both the FAA and the Sponsor expect methodology, results, and documentation that abides by the appropriate regulations. The Part 150 is a voluntary program performed at the request of the airport sponsor and as such, the airport sponsor does have the final say in what the recommended mitigation measures are. The FAA can reject measures and suggest measures, but it is the decision of the airport.
		3	How about thinking "smart" and about what will be needed in 20-30 years. Many cities relocated their airport outside of the city limits for this reason.
			Most airports were built on the edge of town or completely out of town and the town has moved to them. An airport does not have the authority to restrict zoning in and around the airport. Zoning regulations are under the control of the local governments.
		4	I certainly don't feel \$3000 is a fair offer.
			\$3,000 is not the offer, it is the amount used as an estimate of mitigation costs based on previous experience. Typically there will be an easement valuation study performed once the NCP is approved.
8/28/2013 Note: Petition is dated 8/27/12, but received 8/28/2013	Petition	5	Since the extension was completed, the descent is now approximately 120'/145' above the ground.
			The extension resulted in an additional 390 feet of runway. At approximately 2,500 feet from the runway end, the aircraft are 20 feet lower than prior to the runway extension completion.
		6	LFT averages 100 landings a day according to Flightstats.com
			The modeled data for the LFT Part 150 program was 194.57 daily operations in 2010 and 211.62 for the future year. The existing year operational levels were obtained from the FAA's Air Traffic Activity Data System, and the future levels from the FAA Approved Aviation Activity Forecast.
		7	LFT has failed to provide 'boundary noise limits and zoning control.'
			The airport does not have the authority to implement zoning control. The Part 150 program develops boundary limits for use by the local governing authority.
		8	Property values are declining due to airport expansion
			The Part 150 is not an economic study of the effect of airport expansion on property values. The purpose of the Part 150 program is to determine if there are noncompatible land uses within the DNL 65 db or greater noise contour and to mitigate those land uses as effectively and efficiently as possible. The intent is also to prevent additional noncompatible land uses to occur within those noise contours.

Appendix M
Response to Comments
Lafayette International Airport
Noise Compatibility Program

Date	Commenter	Comment Number	Comment
		9	Vibration have caused stress structural damages on the interior of several homes since February 2013.
			<p>FROM: AVIATION NOISE EFFECTS, FEDERAL AVIATION ADMINISTRATION WASHINGTON, DC MAR 85 10.2 STRUCTURAL EFFECTS Potential damage to building structures from low frequency sound vibration became a topic of concern during the environmental assessment of the supersonic jet transport, the Concorde. Subsequent studies revealed that low frequency vibration from the Concorde causes little to no structural damage. Analyses conducted of five historic sites near the proposed subsonic flight path of the Concorde aircraft revealed breakage probabilities from noise-induced vibration for windows, brick chimneys, a stone bridge, and a plaster ceiling to be less than .001 percent per year (Ref. 1). It was found that exposure to normal weather (such as thunder or wind loads) produces a higher probability of breakage than vibrations from the Concorde.</p> <p>At Sully Plantation, Virginia, the test location nearest the Concorde flight path and therefore most likely to sustain vibration damage, calculations were based on a sound level of 104 dBA for each overflight, or an effective pressure of .313 psf. Estimates of the probability of breakage of one flight from Concorde overflights are about one in every million years. The Concorde's contribution to the cumulative damage of a house in the neighborhood of Kennedy Airport was found to be insignificant. Everyday vibrations from wind and household activities were greater than those caused by aircraft in the worst conditions around normal airports.</p> <p>Studies show that the Concorde causes five times the vibration to normal buildings as the older model Boeing 707 (with JT3D engines) (Ref. 2). Considering the higher levels of noise produced by the Concorde in relation to other aircraft, the danger of breakage from noise-induced vibration at all frequencies is therefore slight.</p> <p>10.3 ANNOYANCE WITH STRUCTURAL VIBRATION</p> <p>It has also been theorized that the vibrations induced in buildings and windows by low frequency sound might increase the annoyance of the occupants to a greater degree than the effects of the vibration on the human body. This annoyance is due to human perception of the vibration of a wall or window and rattle created by household objects when the structure vibrates. Infrasound characterized by long wavelengths is not attenuated by walls, partitions, acoustic absorbers, or the atmosphere to the same degree as audible sound.</p> <p>U.S. Army researchers conducted a study to measure the role of vibration and rattle in human response to helicopter noise (Ref. 3). Helicopter noise annoyance was judged against annoyance from a control noise by subjects in the living-dining area of a frame farmhouse, in a mobile home, and outdoors. Subjects in the living-dining area of the house were most annoyed by vibration and rattle; results suggest that, when high levels of vibration and rattle are present, a control noise would have to be 20 dB higher than the helicopter noise to produce equivalent annoyance. This offset was 3 to 6 dB outdoors with an average of 4 1/2 dB. Subjects in the mobile home, most likely because of the low frequency resonance created by the helicopter, display a 3 to 14 dB offset with an average of about 8 dB. The researchers concluded that vibration and rattle can significantly increase the annoyance associated with a particular sound level.</p> <p>Reiher and Meister conducted an investigation of subjective human response to different levels of structural vibration, and used this data to develop the tolerance criteria shown in Figure 10.1 (Ref. 4). Their study revealed that, when compared with these criteria, wall vibration caused by takeoff and approach of the Concorde are imperceptible or barely perceptible, causing no adverse effects on human beings (See Figure 10.2).</p>
		10	Jet emissions are a great concern and no impact study has been performed.
			The Part 150 Program strictly focuses on aviation noise. The Environmental Assessment, as required by NEPA, would have analyzed all 23 impact categories, including air quality.
		11	Louisiana DEQ does not consider air quality for jet emissions.
			The Part 150 Program strictly focuses on aviation noise. The Environmental Assessment, as required by NEPA, would have analyzed all 23 impact categories including air quality. Furthermore, LDEQ included aircraft as an emissions source in the emissions inventory submitted with the federally approved Lafayette Parrish Maintenance Plan for the historical 1-hour Ozone NAAQS.
		12	URS, FAA, and LFT did not conduct a study on health issues relating to noise.
			The Part 150 and NEPA regulations regarding aviation noise are based on the health effects of noise on humans.
		13	Louisiana DEQ does not have a noise abatement program or Noise control regulations/protocol.
			That is outside the control of the airport, its consultant, or the FAA.
		14	Decibel levels outside the home have been measured in excess of 85 dB.
			That is probably accurate, but the FAA standards are based on the DNL, which is a 24-hour average of noise exposure. Single aircraft operations noise levels can surpass the 85 dB level.
		15	Airplanes fly all night long even though LFT denies this fact.
			LFT can not completely shut down the runways at night, please see Section 8.5.5 of the NCP for further description of imposing a curfew. The noise modeling performed for the Part 150 included 22 % of total operations and 70 % of cargo and air carrier operations occurring at night.

Appendix M
Response to Comments
Lafayette International Airport
Noise Compatibility Program

Date	Commenter	Comment Number	Comment
		16	Weather conditions affect noise, pressure, and vibration. No study on the subject has been done.
			Barometric pressure, temperature, and wind direction are accounted for in the INM noise modeling used for the NEMs.
		17	New Center Commons Phase 2 homes were initially .5 miles from the runway end, but are now less than .33 miles from the now completed runway extension. There is no easement or buffer zone.
			The usable extension of the runway is 390 feet resulting in aircraft that are 20 feet lower than prior to the extension. Homes in New Center Commons Phase 2 are approximately 2,000 feet from the measured runway end separated by a 4-lane highway, an active railway line, and 2 large industrial properties.
		18	Four (4) homes are under the direct flight pattern and the impact is greater.
			That is likely accurate, but the Part 150 regulations require use of the DNL 65, 70, and 75 dB contours and do not differentiate within each contour band.
		19	Louisiana does not (yet) have a state regulation for real estate entities to disclose 'dangerous/unsafe areas.'
			This is a suggested mitigation measure of the LFT NCP
		20	Therefore, the only form of mitigation to the residents residing on Rue Conge and Commons is a "buyout" of our home inclusive of relocation assistance and expense, and any other unforeseen or unexpected costs.
			The airport is offering Avigation easements due to the prohibitive cost of and complications of Fee-Simple acquisition as described in Section 9.3.1 of the NCP.
		21	LFT must pay for all health related medical issues caused by noise and jet emission during the period commencing January 2013 until relocation.
			The NEMs were accepted and that information was made public in April 2012. The Part 150 mitigation measures are meant to reduce noise exposure to individuals and noncompatible land uses, and prevent the introduction of additional noncompatible land uses within the area covered by the NEMs. Additional mitigation and compensation that does not accomplish this is outside the purview of the Part 150 program.
8/24/2015	Dianne Bonnecaze, Daniel Mower	22	Aircraft are flying about 90' to 120' above the GROUND but depending on weather conditions are often lower.
			At 2,000 feet with a 3 degree glideslope, aircraft are expected to be approximately 105 feet AGL with some variation due to external factors and pilot skill.
		23	This extension brings 4R 1500 plus feet closer to 118/120 Rue Conge.
			The extension of usable runway is 390 feet.
		24	I am ANGRY when I discovered The Federal Register published the "Noise Compatibility Program Notice; Lafayette Regional Airport; Lafayette, LA that LFT sent in on May 28, 2015. And, that the FAA is to review a program that is OVER 3-years old.
			The NCP was submitted to the FAA on August 7, 2014. The submittal was delayed to allow the consultant to provide the FAA and the airport an analysis to determine if the Bell-Textron Helicopter facility would result in the revision of the future NEMs. As the additional helicopter operations did not result in any off-airport change in noise exposure, the FAA advised the airport to submit the NCP.
		25	Do you have any IDEA how many changes have occurred with Lafayette Regional Airport since 2012 inclusive of commercial property development? This should make the 'noise study' null and void based on outdated data. And, most importantly, this data and maps used for this noise study presented is approximately 10 years old.
			The Noise Exposure Maps were accepted by the FAA on April 2, 2012 and advertised as such in both the Federal Register and the Daily Advertiser.
			Any land use changes after this time were done with the knowledge of the noise contours.
			The data used for the NEMs was based on 2010 operations data, only 2 years old at the time of acceptance of the NEMs.
			Mitigation programs can take many years to plan and implement, but that does not make them invalid.
			Furthermore, a quick review of current FAA data indicates that 2014 aircraft operations are 21 % lower than the 2010 NEM levels and 23% lower than the 2016 Future Year levels.
			A revision of the contours to meet new data levels would result in a significant decrease in the size of the noise contours.

Appendix M
Response to Comments
Lafayette International Airport
Noise Compatibility Program

Date	Commenter	Comment Number	Comment
		26	They told us to "look" for the publishing of the noise compatibility program sometime around May 2014 or soon after. 2015, to my amazement, I find it published. Our initial complaint with LFT / consultants and STILL IS, is that the contour maps being used for the 150 Noise Study are outdated.
			See response to Comment # 25
		27	I can only speculate that LFT purposely delayed publishing the Noise Study for FAA review in order to focus on hiring a new LFT G.M., AND obtaining monies to begin projects such as building Bell Helicopters, expanding parking lots, repairing a relatively new runway that was improperly constructed including numerous "petty" projects, etc., prior the FAA approval of the noise study.
			There was minimal delay on publication of the NCP to determine if the addition of the Bell Textron facility would affect the size and/or shape of the noise contours. The runway was not repaired, it was resurfaced as done at all airports due to the effect of use and weather.
		28	The noise is deafening and my house vibrates to the point where all doors, windows or walls are constantly in need of repair. Inside the home we have had readings of 80 to 85 decibels.
			See response to Comment # 9 and # 14
		29	LFT and their consultants continue using the same contour maps with no modifications taking in account for community or environmental changes that have obviously taken place as the city grows.
			Local land use is constantly changing, the Part 150 has to choose a snapshot in time to use for the analysis. Furthermore, once the NEM's have been accepted and advertised, any new noncompatible land use within the contours are ineligible for mitigation. Once the NCP is approved, the mitigation areas would be resurveyed to determine eligible parcels.
		30	Does the FAA have a verification process to prove or disprove the findings of the submitting airport or, are taxpayers paying the FAA to "blindly" accept these submissions as fact?
			All data used in the development is sourced and/or provided directly by the FAA. There are multiple stages of review to ensure the accuracy of the data and the documentation.
		31	Currently the FAA is relying on computer generated data from 2005-2007 for LFT. Using a study that is nearly a decade old allows for flawed submissions which is exactly what has occurred with LFT. Does this seem logical to you? A new, more current set of studies must be performed. These new or updated studies MUST take into account the new commercial developments and other changes in landscape.
			The data used for the NEMs is from 2010, and the date of acceptance of the NEMs is April 2012, which is less than a decade old. The Part 150 has to choose a snapshot in time and once accepted and approved can and will be updated over time as airport operating characteristics change. It is up to the local government to ensure that changes in land use is compatible to the operation of the airport once the NEMs have been accepted.
		32	Environmental impact studies were performed for the Fauna & Flora and historic buildings for noise, air quality, fuel emissions, etc. to ensure their safety, yet NO study for the human factor? What is wrong with that picture? That in and of itself should raise serious questions and warrant an investigation.
			The Part 150 program is solely focused on aircraft noise and its affects on humans and noncompatible development. Question on previous EIS/EA studies are outside the purview of this program. Furthermore, many of the environmental impact categories analyzed in an EIS/EA are directed at the category's impact on humans.
		33	With LFT using old contour maps they are basically stating this community has not changed or grown in the past 10 plus years. If this is true, why are we paying \$96,000,000 for a new Airport Terminal?
			See response to comments #29 and #31.
		34	Since LFT used the same contour maps generated over 10-years ago that is 'falsifying' data.
			These contour maps were not generated over 10 years ago. They represent 2010 data and 2016 forecasts of operations and land use.
		35	Submission of a new noise study must be incurred to include all environmental impacts, changes in landscapes, historic buildings, new commercial development/construction, flight patterns along with the revised number of landings/arrivals per day inclusive of the Military and cargo planes. Adding all of the mentioned changes and factors since the original 'noise study' (Report 2012 / data collection - 2005/2007) - WILL definitely modify the contour maps.
			The Part 150 program is strictly a study of noise impacts, all other environmental impacts are analyzed during the EIS/EA process.
			All military and cargo operations are included in the development of the NEMs.
			Most industrial and commercial development is compatible with the off-airport noise levels at LFT.
			Data collection was not performed in 2005-2007, as work on the project did not begin until 2010. Aircraft operations data is from 2010 and a forecast for 2016. Land use was updated through 2012.
			Based on the level of aircraft operations currently occurring at LFT, the noise contours may shrink enough that New Center Commons Phase 2 may fall out of the noise contours and not be eligible for any mitigation.
		36	Both the FAA and LFT agreed in 2014 to install noise and vibration monitors on our homes.
			This comment is outside the role and responsibility of the Part 150.

Appendix M
Response to Comments
Lafayette International Airport
Noise Compatibility Program

Date	Commenter	Comment Number	Comment
		37	LFT states that "they" were 'here' first, which is true, however, the airport has made changes since 1930 that have and continue to affect the environment and its surrounding communities.
			This Part 150 is based on 2010 data and accounts for the most recently available operational changes at the airport, including the most recent runway extension.
		38	What is the purpose of the FAA if this department cannot enforce the regulations to protect, investigate, etc., which is boldly stated in the "FAA's Mission Statement/Requirements". From what I have read in the Federal regulations, is that the FAA/DOT does have the authority to override an airport's decision and the FAA can require airports to satisfactorily accommodate those areas affected adversely by their operations. Why can this NOT be done? The only publicized protection I ever hear the FAA/DOT does is to assist passengers, pilots, airport expansions, therefore, can it be said that the FAA's Mission Statement & Regulations" is at best pretentious.
			The Part 150 program is a voluntary program conducted by the airport, with the support of the FAA. All data, modeling, results, and documentation is reviewed by the FAA.
			The NEMs are accepted and the NCP is approved by the FAA. The FAA can recommend certain mitigation measures and/or changes to the NCP, but the decision is up to the airport and is based on many factors.
		39	I believe our 'petition' which was submitted back in August of 2013 was never taken seriously by LFT, Consultants, City of Lafayette, FAA/DOT, etc. We were promised feedback no later than November/December of 2013. We know this petition was discussed in LFT Commission meetings in depth as it is recorded in minutes which we have copies of. The jest of LFT's response was simply to purchase the subdivision's airspace and or to just take it away via public domain. However, 90' to 120' above ground does not constitute safety under navigational easement regs - safety issues at minimum are noise - vibration - aircraft failure, fuel emissions, aircraft vortices, etc.....
			The petition was discussed and analyzed by the airport, legal counsel, and the FAA regarding how best to respond. Material was added to the NCP document specifically addressing the petition.
			The delay in publishing the NCP was in part related to determining how to respond to the petition and also to determine if the addition of Bell-Textron at LFT would require a revision of the Future Condition NEM.
			The airport is offering to purchase avigation easements as a strictly voluntary program. Eminent domain is not used to purchase Avigation Easements and the FAA does not prefer to use Eminent domain for any noise mitigation alternatives.
			The aircraft flying over New Center Commons Phase 2 are landing or departing, therefore Part 91 §91.515 altitude regulations are waived.
			The Part 150 program deals strictly with aircraft noise.

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APPENDIX N

FAA PGL 12-09

This appendix includes the FAA PGL 12-09 dealing with the implementation of noise insulation programs as a mitigation measure within the Part 150 program.

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Program Guidance Letter 12-09
Eligibility and Justification Requirements for
Noise Insulation Projects

Date: August 17, 2012
Rev. November 7, 2012

From:

Manager, Airports Financial Assistance Division, APP-500

Reply to Nancy S. Williams
Attn. of: 202-267-8822

Jim Byers
202-267-3007

Manager, Airport Planning and Environmental, APP-400

To: PGL Distribution List

The reason for this PGL is to reconfirm the two-step requirement for eligibility for residential and other noise insulation projects. The AIP Handbook interprets 14 CFR Part 150 to require that structures be located in the existing or forecast yearly day-night average (DNL) 65 decibel (dB) noise contour (or, under limited circumstances, a lower dB noise contour formally approved by a local government to determine compatibility of residences), *and* that noise insulation project be designed to achieve interior noise levels of 45 dB to qualify for federal funding.

1. Two-Step Requirement for Eligibility.

FAA has become aware that there may be confusion and ambiguity in our guidance about the second step, that interior noise levels must be 45 dB or greater for a residence or other eligible structure, such as a school, to be eligible for AIP funding for noise insulation.

Title 14 CFR Part 150, Airport Noise Compatibility Planning, establishes the amount of noise reduction (NLR) that must be achieved through noise attenuation measures for a residence or school to be considered normally compatible with airport noise. See, Note 1 of Table 1, 14 CFR Part 150, Appendix A.¹ FAA Order 5100-38, the original AIP Handbook (Handbook) dated November 24, 1986 reflected this NLR requirement as a design objective for noise insulation projects. It clarified that residential noise insulation must be designed to achieve a 50 dB interior noise level when the project is completed (paragraph 711.) Later revisions to the Handbook lowered the design objective to 45 dB in all habitable rooms. The current Handbook continues to require that a residential noise insulation project be in the existing or forecast DNL 65 dB contour and be designed to

¹ It states that residences and schools are not normally considered compatible with airport noise levels above 65 DNL dB unless insulation projects to reduce outdoor to indoor noise by at least 25 to 30 dB have been incorporated. "Normal residential construction can be expected to provide a [noise level reduction] of 20 dB, thus the reduction requirements are often started as 5, 10, or 15 dB over standard construction..."

achieve target interior noise levels of 45 dB in habitable rooms to be eligible for AIP funding.² Accordingly, residences and schools that already have interior noise levels of less than 45 dB are not generally eligible for AIP funding, with some equitable exceptions.

2. Age of Structure.

The policy that the FAA will consider funding eligibility for noise insulation measures under 14 CFR Part 150 only for noncompatible development which existed as of October 1, 1998, remains unchanged. New incompatible land uses created by subsequent airport development may also be eligible for funding consideration.

3. Upcoming Revisions to FAA Advisory Circular 150/5020-1, Noise Control and Compatibility Planning for Airports.

The revision to FAA Advisory Circular 150/5020-1, Noise Control and Compatibility Planning for Airports is not part of this PGL.

4. APP-400 Review of Residential Sound Insulation Programs.

In FY 2013 The Office of Airport Planning and Programming will begin a review of regional compliance with this guidance to ensure program consistency.

5. Revisions to AIP Handbook.

Attachment 1 to this PGL contains the replacement paragraph 812 Noise Insulation Projects of FAA Order 5100-38C, the AIP Handbook, in its entirety, effective as of the date of this PGL.

6. Requirements for Ongoing Noise Insulation Programs.

Specific requirements for ongoing noise programs for Fiscal Years 2012, 2013, and 2014 have been developed. Attachment 2 details the specific requirements for ongoing noise insulation programs.

7. Communication with Residents and Others Impacted by Noise Insulation Programs.

Early communication with all residents that are in the DNL 65 dB contour is important. The Sponsor must explain the two-step requirements to residents that are *currently* in the DNL 65 dB contour.

Further, it is important for the residents to understand that if noise contours change, a neighborhood that was previously identified as potentially noise impacted may no longer be impacted. The sponsor must also explain how the program will be phased. The Sponsor must let residents know that final determinations of which residences will be noise insulated will only be made after sampling and testing has been completed. Clearly explaining the noise insulation

² “The design objective of a residential noise insulation project generally should be to achieve the requisite NLR when the project is completed. (This is mathematically equivalent to achieving a DNL of 45 dB in all habitable rooms.)” FAA Order 5100.38C, Paragraph 812b(1). This is mathematically equivalent to achieving a DNL of 45 dB ~~44 dB~~ because, application of 25 dB NLR to the 70 yearly DNL range in Table 1, Appendix A, Part 150, and application of 30 dB NLR to the 75 yearly DNL, both result in interior noise levels of 45 yearly DNL.

program process to residents will help prevent unrealistic expectations of residents who may later be found to be outside of the noise impact areas or whose homes already provide sufficient sound insulation.

8. Use of the Term ADO

For the purposes of this PGL, the term ADO means the FAA Airports District Office or Regional Office in regions that do not have Airports District Offices.

9. Applicability

The provisions set forth in this Program Guidance Letter do not apply to noise insulation projects for which construction has been completed. Construction being completed means that final payment has been made to the contractor doing the sound insulation work on the residence or public building. Paragraph 580 concerning environmental mitigation projects, which generally refers to Chapter 8 of the existing AIP Handbook on noise compatibility projects, does not change.³

10. Relationship to Type of Funding

The requirements of this PGL apply to AIP grant funded projects. Under 49 USC §40117(a)(3)(D) and (E), PFC funds may be used for noise compatibility planning and project, although the project only has to be *approvable* under 14 CFR Part 150, and does not necessarily have to have been *approved* under 14 CFR Part 150. This means that an airport does not have to have a 14 CFR Part 150 Record of Approval in order to conduct residential sound insulation projects using PFC funds.

Projects that are funded with airport revenue must meet the requirements of the 49 USC §47107(b)(1) and §47133; Grant Assurance 25, and the FAA policy for revenue use as described in 64 Federal Register 7696⁴. In general, the requirement is that the revenue must be used for the capital and operating expenses of the airport or local airport system. Sound insulating structures that are not adversely affected by aircraft noise would not be considered a capital or operating expenses of the airport.

³ Consistent with past policy and interpretation of paragraph 580, airport sponsors have a reasonable period of time to implement substantial multi-year noise insulation projects that were a condition of approval in a record of decision for an AIP funded airport development project. Where structures in the project area no longer meet the qualifying criteria, airport sponsors may seek concurrence from APP-1 ~~ARP-1~~ that circumstances warrant special consideration. The sponsor must show that flexibility is needed to reasonably fulfill commitments in an environmental record of decision.

⁴ The Federal Register Notice and grant assurances are published on the FAA website at the following address: http://www.faa.gov/airports/airport_compliance/
Title 49 of the United States Code is published on the U.S. House of Representatives website at the following address: http://uscode.house.gov/download/title_49.shtml

Attachments:

1. AIP Handbook Replacement Paragraph 812
2. Handling of Noise Insulation Programs Currently Underway

RECORD OF CHANGES

November 7, 2012:

- Deleted “AIP” from the title of the PGL, because although this is a modification to FAA Order 5100.38C (“Airport Improvement Program”) it also has corresponding implications for PFC funds and airport revenue.
- Page 2, Footnote 2 – Corrected “4 dB” to “45 dB”
- Page 3, Footnote 3 – Corrected “ARP-1” to “APP-1”
- Attachment 1, Page 12 – Corrected “...the costs of this work must be funded with other, non-federal, sources of funds” to read “...AIP, PFC, or airport revenue shall not be used for this work.”

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APPENDIX O

LAFAYETTE AIRPORT COMMISSION

This appendix includes the meeting minutes, homeowner letter, sign-in sheet, and proof of publication for the NCP public hearing.

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AGENDA

LAC Regular Scheduled Meeting

Wednesday, May 14, 2014 - 5:30 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Intro / Roll Call**
- IV. Minutes Regular Meeting of April 9, 2014**
- V. Chairman's Comments**
 - RFP Selection Committees:
 - 1. Taxiway F Design, Commissioner Guilbeau with Beasely Molliere- April 30th at 10am
 - 2. North GA Apron Phase III, Commissioner Skinner with Beasely Molliere- May 8th at 3 pm
 - 3. Runway 11-29 Seal Coat, Commissioner Robichaux with Tony Tramel - May 14th at 4pm
- VI. Public Comments**
- VII. Commissioner's Comments**
- VIII. Director's Report**
 - 1. Audit Presentation – Wright, Moore, DeHart, Dupuis & Hutchinson
 - 2. FAA Trip - Projects Discussion
 - 3. Master Plan Meeting
 - A. Alternatives Meeting: April 16
 - B. Alternatives GA Meeting: May 6th
 - 4. Flightview – Mobile Website – Automatic Renewal – 1 year
 - 5. Flightview – Weather May Display – Automatic Renewal – 1 year
 - 6. Sugarland Exterminating - Mx Bldg B – (Termite Program) – Automatic Renewal -- 1 year
 - 7. ATCT - 220 Tower Drive Update
 - 8. Fly Lafayette/Passenger Statistics/Sides & Associates Report
 - 9. Financials
- lk
- IX. Scheduled Business - Discussion Items**
 - A. Bond Resolution - Discussion/Action
 - B. 118-128 John Glenn Drive Conveyance Notice - Discussion/Action
 - C. Rental Car Operations – Request for 1 Year Lease Extension w/Options - Discussion/Action
 - D. URS Work Order 1, Taxiway Seal Coat and Airfield Marking/Signage Plan –Change Order #2 Discussion/Action
 - E. Runway 4R-22L, Phase V Overlay – URS Letter of Recommendation to Diamond B Discussion/Action
 - F. Part 150 Noise Study – Noise Compatibility Plan – Consideration of Approval - Discussion/Action
- X. Scheduled Business – Consensus Items**
 - G. Private Aircraft Hangar of Lafayette – Fourth Amendment to Lease - Acceptance
 - H. Perimeter Road Improvements – Approval to Bid Project



- I. Insurance Coverage for EMAS Systems (Both ends of 4R-22L) - Proposal
- J. 118 – 128 John Glenn Drive (Hangar 10) Demolition
- K. Thunder Communications – Satellite Phones – Annual Renewal
- L. John Fallis – 114 Borman Drive – Request for 36 Month Lease Extension
- M. Three Frenchmen Janitorial Services – 222 Tower Drive – Request for Contract Extension
- N. Three Frenchmen Janitorial Services - 200 Terminal Drive – 2nd year Option Renewal
- O. Cajun Man Triathlon – Sunday, September 7, 2014

XI. Reports

- P. Bobbi Hess – Grant Facilitator – Monthly Report
- Q. Adams & Reese – Monthly Report
- R. The Picard Group - Monthly Report
- S. LFT Airport Monthly Fiscal Review (April)

XII. Project Updates

- T. Taxiway Mike (Parallel Taxiway) - (DSA) – Update
- U. North GA Phase II (DSA) – Update
- V. PHI – Access Gate (DSA) – Update
- W. PHI – Heavy Hangar Storage (DSA) – Update
- X. Master Plan (DSA) – Update
- Y. Olivia Rae Farms (DSA) – Update
- Z. Perimeter Road Improvements (DSA) - Update
- AA. 4R/22L Overlay Project – WO # 14 (URS) – Update
- AB. Noise Study – WO # 8 (URS) – Update
- AC. Taxiway Seal Coat Project - (URS) – Update
- AD. Blue Sky Partners (Bellard & Associates) – Update
- AE. Cargo Facility (MBSB) – Update
- AF. ATCT Interior Upgrades 2014 (MBSB) – Update
- AG. 114 Borman Drive – High Tail Hangar Reroof & Exterior Upgrades (MBSB) – Update
- AH. Main Terminal Interior Upgrades 2014 (MBSB) – Update
- AI. LRA Signage Upgrades (MBSB) - Update

XIII. Other Business

XIV. Adjourn

Gregory M. Roberts, A.A.E.
Director of Aviation
May 14, 2014

Upcoming Dates: Next LAC meeting – Wednesday, June 11, 2014





An extract from the Minutes of the Lafayette Airport Commission, Lafayette, Louisiana, taken at a Regular Meeting, held on May 14, 2014 at five-thirty (5:30 p.m.) o'clock

Resolution No. #2014-5-R1-06

#2014-5-R1-06 – Tab F. Part 150 Noise Study – Noise Compatibility Plan – Consideration of Approval - Discussion/Action: Staff requested that the Lafayette Airport Commission move to accept a resolution of acceptance to be submitted to the FAA for acceptance.

MOTION: Commissioner Robichaux moved that the Lafayette Airport Commission accept the resolution be submitted the FAA for approval. The motion was seconded by Commissioner Skinner and the vote was as follows:

AYES: Segura, Skinner, Hebert, Robichaux, Garrett
NAYS: None
ABSENT: Guilbeau
MOTION CARRIES

IN FAITH WHEREOF, I have hereunder set my hand and the official seal of the Lafayette Airport Commission, Lafayette, Louisiana, on this 28th 2014.

Gregory M. Roberts, A.A.E.
Director of Aviation

Lafayette Airport Commission

Regular Scheduled Meeting of August 14, 2013

Commissioner(s):

Carroll B. Robichaux - Chairman
Paul A. Guilbeau, Sr- Vice-Chairman
W. Paul Segura, Jr. - Secretary/Treasurer
Valerie Garrett
Matt Cruse
Jerry Spurgeon - ABSENT
Timothy Skinner

Also Present:

Gregory M. Roberts, A.A.E. – Director of Aviation
Michael Burrows, CMA – Deputy Director
Todd Swartzendruber – Legal Counsel
Daniel Elsea – Grants Facilitator
Mary Green – Comptroller
Rene Cotton – Leases & Contract Administrator
Cindy McDaniel – Receptionist
Anthony Hebert – Airfield Manager
Aline Nelson – Accounting Clerk
Adam Thibodeaux - DSA
Mark Steipler – MBSB Group
John Harrison - Landmark
Wilfred Pierre – Three Frenchman
Robert Callahan – Sides & Associate
Kenneth Chaisson

Tim Gaines - URS
Deborah Lagos - URS
Bill Griffin - URS
Dan Botto - URS
Erroll Babineaux – Air Med
Robert DuPont – Carone ATC
Jon Erion – RS & H
Mike Sonnier – Air Med
Sgt. Dale Boudreaux - LPSO
Dwan Thomas – Republic Parking
John Leavens - Republic Parking
Michael Hixon - Baker
Natalie Graham - Baker
Sophie Lavon – 201 Commons

This meeting was recorded and is on file and available for review in the Lafayette Airport Commission office for five (5) years from this date

At 5:32 p.m., six (6) Commissioners in attendance. Mr. Robichaux called the Lafayette Airport Commission meeting of August 14, 2013 to order. Mr. Robichaux: Please rise for the Pledge of Allegiance. I would like to have a roll call of commissioners beginning at my left.

#2013-08-R1-01 Minutes of July 10, 2013 - Commissioner Skinner moved that the minutes of the July 10, 2013 Lafayette Airport Commission meeting be accepted. The motion was seconded by Commissioner Cruse and the vote was as follows:

AYES: Guilbeau, Segura, Garrett, Cruse, Skinner

NAYS: None

ABSENT: Spurgeon

MOTION CARRIES

PUBLIC HEARING – A public hearing is being conducted for the public to voice any concerns they may have regarding the Lafayette Airport Commission Federal Aviation Administration Part 150 Noise Study. Persons wishing to speak shall be limited to five minutes unless allowed further time by the Chairman. Do I have anybody, anyone from the public that wishes to speak on the Noise Study? Please approach and identify yourself. My name is Daniel Mower; actually I am in the direct line of your flight. I have a couple of questions for you regarding this map actually here which was done in 2008-2009, I understand this is a noise

LAC Regular Meeting August 14, 2013

page -2

study – Is there any way we can turn so they can see this? Chairman Robichaux: Sure. Mr. Mower: I've been on the phone with the FAA for the last 2 or 3 days regarding the whole incident and this here is a study that was done in roughly 2008 – 2009 at the beginning of this whole process. This is supposedly one for the future; my question regarding the future is when was the Study done? And my other question regarding that before you can answer, was there a vibration study done also on the impact of the vibration which will destroy not just the environmental but the impact of the human part of it too?. And the answer on that? This study here won't give you the raw data, it'll only give you the stats, like I said I have been dealing with Washington, DC, Houston, Dallas and Baton Rouge on this, this is an actual study before and there was supposedly a study afterward but there is nothing after it's just a hypothetical, so its these conditions that based on..Mr. Mower becomes in audible.

My question is still; since this has been done and you guys are doing another expansion right? Mr. Robichaux: we are in the expansion stages on different projects, are you talking runway expansion, terminal expansion? Mr. Mower: My understanding is there is another runway expansion going on, I talked to the gentleman three or four weeks ago just horsing around at a convenience store picking up gas and he said that there is another expansion going on because they have been asked to stay further and do it, but they have to do it at night and on the weekends. Mr. Robichaux: Mr. Roberts? Mr. Roberts: the expansion that you are talking about is the current expansion that we have that brought our runway to 8,000 ft. right now we are doing finishing work on an overlay. Mr. Mower: ok. Then that may be so, but regarding the noise study this one – why has there not been a study since, this one here was done in 2008, 2010. This would suggest that the property would have been done, because the Amazing storage which is going to change the noise impacts on them. Aircrafts are now flying lower since the expansion. So my question is why was there not another one done. When I took over the property that I am living in they were flying like 400 or 500 ft. up and now they are flying, now this is a guess, a little over a hundred ft. You hear them when you are in your living room. Mr. Roberts: Question, for you – you said when you took over your property, again when was that? Mr. Mower: 2011, Mr. Roberts: Eleven, Ok, we were in the process of this runway expansion and the first part of the expansion was the south end, for safety reasons you have to displace the threshold a 1,000 ft. down the runway. So if you looking, if you are on Hwy. 90 looking north, you have, as that picture depicts, you have the south end of the runway. Now you would go 1,000 ft. further and that would be the new end of the runway so the airplanes would be approaching even further down for safety reasons, so in 2011 that would be the profile that you would have observed, however the actual profile before we began this program would have been much lower as indicated by the picture of the runway which would have been closer – you follow that at all? Mr. Mower: not really, but I mean, I understand the fact that you have to meet some criteria for 8,000 ft. Mr. Roberts: well, but the point being, sir, is in 2011 the airplanes were flying further because the runway was pushed further away artificially because of construction – we expanded the runway 350 ft towards the south end, that's all. Mr. Mower: That puts me a third of a mile from the end of the runway. Mr. Roberts: But the issue is still that the airplanes land a 1,000 ft. down the runway. So the glide path virtually wasn't affected maybe 10 ft. differential from the original when we started this in 2010, I think – so in 2011 you were in mid project,. Mr. Mower: And then my question for you regarding the last meeting we had in late February – why is it that during that meeting you said that the pilots are paid or the airlines pay the pilots to land closer to the first part of the runway? That was in the meeting we had last time, he was there, he was there for a few minutes and then he disappeared, Mr. Skinner came in just after that as a matter of fact, you and I had a long conversation regarding that whole thing. I'm just throwing a little sting in there. Mr. Mower: My other question (Becomes Inaudible). Mr. Roberts: Planes land into the runway, they takeoff into the runway. Mr. Mower: I understand, but with this noise study here, which way is the primary landing. Mr. Roberts: Primary

Landing is, primary landing is driven by the winds or 22L, so if coming in from the north to the south. Mr. Mower: Ok. I'm not from Louisiana, This Way? Mr. Roberts: Negative, coming from the top part of the picture which is north, landing to the south. Mr. Mower: So that means basically that all the traffic flying over my house this past year, Inaudible. Mr. Roberts: Again, it's driven by winds Sir. I mean the winds, if the winds dictate that they land to the north, they will come over your house as opposed to, which is, I mean Eighty Percent, according to our statistics eighty percent of the landings are 22L. Mr. Mower: Okay, do you know what a jet footprint is? Mr. Roberts: Yes. Mr. Mower: Then why did you do the foot print back here why was the foot print done from only this direction based off of your study and stuff like that, so my question is if this was the only footprint, where is the other one? Inaudible, but continues to speak for another 3 minutes. Mr. Mower: And another question. Chairman Robichaux: Excuse me sir, your five minutes is up, do I have any objectives from anyone on the commission to allow five more minutes, okay continue. Mr. Mower: uh, I'm looking at paperwork, it took me awhile to get, but Mr. Roberts signed off on it on July 9, 2007, and based on what they're saying with these studies, the human impact should have been taken into consideration, it wasn't, only the environmental, can anybody explain why that part of it wasn't? I understand the fact that maybe this part wasn't there, and you know you have how many acres of land and the provision that. Mr. Mower then becomes Inaudible again. Mr. Mower: My question with that, I mean it's in your notes why was the human impact not taken into consideration? Mr. Robichaux: In who's Notes? Mr. Mower: I'm dealing with some paperwork that was signed off in 2009 and it suggested that you need to do a human impact, but it appears that it wasn't done. Because I mean the Human Body is going to be taken the pull on this. URS Representative begins to speak, but is inaudible. Mr. Mower: But they talked about the environmental Impact. URS continues to speak, but is inaudible. Mr. Mower: But the Studies, from what I have, from what I have been reviewing does not show that, it shows they talked about supposedly some archeological area that was now gone, you had to get permission for that and that was at the end of one of the runways. URS representative begins to speak, but is inaudible. Mr. Mower: None of this stuff came about with the people who are living there, and my house is one of them right, directly in line along with three other people. Right there, when these planes come down the go between my house and a lady named Sara's House. URS begins to speak again, but is inaudible. Mr. Mower: based on notes that come with it, no they don't. No, No, No, this is one of them, it's part of it, I mean it's all tied together based on what I got from the FAA, and I talked to Bill Griffin you know? I talked to you about that and I tried talking to others. Um, one other, uh question I have been doing, checking into other airports around the country, New Orleans being one, Why wasn't there not a vibration test study done? Every other airport that I've looked at that has done this; I'm talking like Los Angeles, San Diego, San Francisco and New Orleans, they've all done the vibration part of it, because like take a guy with a ghetto blaster out of the trunk of his car and drive through and it starts shaking stuff on your walls. Everyone else seems to have done that part, but why wasn't it done on this one? Based on what the FAA that I talked to in Dallas said, that was a choice by your department. That you do that or you don't do that. Why would we not do a vibration study? Matt Cruse: Is it required? Bill? Mr. Mower: It is a suggestion, because of what it does, because of supposedly the impact to what it does. Because like I said, I'm a landlord, okay and I run, unfortunately I run section eight properties, that deal with this Boom, Boom, Boom, Boom, Boom all the time, and the vibration has a serious impact on when you drive through as far as what it does to your stuff on the wall because it vibrates. Since we're dealing with jets and based on the Wikipedia done on you guys, you are doing this to get Cargo planes, the big Fed Ex planes in here and stuff like that, why would you not do a vibration impact study on this? Mr. Roberts: Short answer is probably the volume of traffic; you compared our traffic to that of LAX. In what lifetime do you think that we will be like LAX? Mr. Mower: I mean you won't be an LAX, but based on some paperwork that says you are going to be flying some large planes like Fed Ex, UPS and stuff like that. Mr. Roberts: We already have these planes coming in. You realize that

don't you? Okay, so you know the potential is there of course. Mr. Mower: But with these large planes coming in why would you not do a vibration study? Mr. Roberts: It's not required. It's not required of an airport with this volume with the reasonable expectation within the next twenty years that we would see the volume, so quite frankly the aircraft, if you've flown you know about stage three aircraft right? Stage three aircraft are quieter aircraft, plus please. Please, please remember that airplanes take off into the wind. So you know, eighty percent of the time the wind is from the south so the airplanes will be landing from the north, i.e. over Oakbourne and the farmland north of us, landing to the south. It won't be a factor. Mr. Mower: Primarily at your airport what lands here jets? Mr. Roberts: Mix, I say it's fifty-fifty. Mr. Mower: I am done with my end of the discussion. Chairman Robichaux: Thank you sir. Anyone else from the public wishing to get up and speak? Could you introduce yourself please? My name is Jennifer, you don't need a last name. I'm a Lafayette public taxpayer. Mr. Roberts I want to know why it was so funny when you laughed about the impact on the public when people are being hurt by this airport. Why was it so funny when you backed up in your chair? Explain that. Explain that please! Mr. Roberts: The comment about the traffic of being... Ms. Jennifer: Not a comment your reaction, not a comment. Mr. Roberts: My reaction to being, my reaction to comparing us to LAX. Ms. Jennifer: No, it was before that sir. Mr. Roberts: Specifically? Ms. Jennifer: When we were, when we were speaking about impacts on the public and you backed up and said oh my GOD, your mouth went O.M.G. What is so funny about the impact of this airport hurting the public people? Mr. Robert: In what regard mam? Ms. Jennifer: Your reaction? Mr. Roberts: In what regard do you think we're hurting people? Ms. Jennifer: Is there any cameras here we would, can react your, react your? Chairman Robichaux: Chairman Hits gavel three times and says Mam, Mam, Mam, we are not here to get into a personal. Ms. Jennifer: It's not personal. Chairman Robichaux: He answered your question; do you have any further questions on the noise study? He's trying to answer your question. He answered to the best of his ability. Do you have any further? Ms. Jennifer: I do. How are you going to help the people of Lafayette that have been hurt by this airport? We Love Lafayette and I am a fly Lafayette customer. What are you going to do about it? Mr. Roberts: Would you like me to respond sir? Mr. Roberts: Uh sure, what are we doing to help the people of Lafayette, we are bringing in. Ms. Jennifer interrupts and says: That are being hurt. Not the people of Lafayette, the ones that are being hurt. Mr. Roberts: You will have to define hurt Mam. You will have to define hurt. There's many levels of hurt. There's emotional hurt, there's physical hurt, there's fiscal hurt. Ms. Jennifer: Correct. All three above. How are you directing? Mr. Roberts: I've no idea of your personal situation Mam, but all I can.. Ms. Jennifer: you do not need to know of my personal situation. Mr. Roberts: All I can tell you is that we are working diligently every day to provide the very best, the very safest, the most secure and customer friendly environment to support the development of Lafayette and Acadiana. You can come to any of our Public and observe first, firsthand. Ms. Jennifer: You can update the public on a public website. Mr. Roberts: Yes mam, we have fly Lafayette, www.Lafayette, we have [www.Lafayette dot com](http://www.Lafayette.com), [Lafayette airport.com](http://Lafayetteairport.com). Ms. Jennifer: All I ask is that you consider the people that are in that fly zone, it's not the takeoffs it's the landings. They are being harmed. Please take that into consideration. Ya'll post the takeoffs, but there are no landings. Ms. Garret: Excuse me mam, mam? Excuse me. What was your first name? Ms. Jennifer, certainly if anything that you believe that the airport is causing you an inconvenience or harm. Ms. Jennifer: I love to fly Lafayette. Ms. Garret: All I'm saying is that the commissioners are here to serve the public, and so therefore if you have a concern, I'm sure you can contact anyone of us and we will be happy to address your concerns at any time. Ms. Jennifer: I appreciate that. Ms. Garret: No matter what that concern is. Ms. Jennifer: I appreciate that. Ms. Garret: You're Welcome. Ms. Jennifer: I want yall to consider the landings. Ms. Garret: Your point's been taken. Thank you. Chairman Robichaux: Thank you Ms. Garret. Ms. Garret: You're Welcome. Chairman Robichaux: Any further comments from anyone in the public? Hi my name is Diane Bonaquez, I'm located at 120 rue ponchet, so I'm right in line with the runway. Sometime in

January, that's when I noticed the planes flying a lot lower, and I thought okay it's the airport, maybe it's the weather. Then all of a sudden in February, they had this first meeting about the noise study, Since that time it's been what February until now, all of a sudden I have damage in my home. There is my next door neighbor, her house she has six foot ceilings and have cracked three times and had to have major repairs. At my house I'm not doing any repairs right now because the planes are coming over. In my home on the backside, all of my double pane windows of which four lost their seal. I have one window in my bathroom that has pulled away from the wall about an eighth of an inch. The whole point is we have noise and I don't have the equipment to actually purchase right now to measure the decibels or the vibrations caused from the noise and I don't have the means to do that. Okay, I'm trying to find an acoustical engineer that I can hire which is probably way out of my financial means. And so basically, I'm sitting here to asking you what can yall do to help me figure out if certain planes at certain decibels. You know what that decibel is? Because from what I understand seventy five decibels it will cause damage to their homes, and specifically four homes when I read the report, because they took the study of forty nine homes. That's four airplanes that are sorely affected. Then the other thing two is the FAA came in and cut down a huge oak tree, that's really on my property. They asked all the owners, and I am like well why you cutting the tree down and they are said well it's affecting the landings of planes. It flies over this home at eighty five feet. Ok and from also calculations the best that we can determine, it's really hard to measure something when you are standing on the ground looking up. These planes, the house next door, mine's like thirty five, Sara's like at forty two. I was told at the last meeting in February that the planes could literally fly like a hundred feet above the house. They would move a tree, a live oak, that's eighty five feet tall, and so that plane is flying and that plane is literally about sixty feet above Sara's house, and me probably about seventy. Okay, and also we moved that buffer, because a lot of trees were cut, so a lot of vibration noises that used to be shielded now aren't there. There's probably other things I have to say but (becomes inaudible). Noise does create vibration. In fact last night I was sitting in my garage 10:33, 10:35, this plane came over, and I can kind of tell a big plane coming in. It literally sucked the air out of my garage, the whole door the garage door vibrated and then eventually it was like this whispering sound where you could hear the wind coming in through the garage seal. That's a problem. I don't know what kind of a resolution we can come up with. I know in February, all of yall said, oh well you know we have this mitigation that we can by your airspace for three thousand dollars. That I still don't understand because the administrative costs on the column right next to it shows that the administrative costs to give me three thousand dollars for my airspace and you get two thousand or five thousand just for administrative costs. That doesn't make any since to me. So that's all I have to say. Uh, hopefully someone will eventually call us back; someone will help us to actually check vibrations that are caused by the noise. Because I know I've tried to call several people before and as far as phone calls, returns, it doesn't happen. Chairman Robichaux: Who? Mam. Who did you, did you try to call anybody on the airport Staff, or any commissioner and your call wasn't returned? Ms. Bonaquez: Yeah in fact Daniel (Mower) lives with me. So we both initially made phone calls and Ive had such major sinus infections, so don't tell me to mention, but I know I tried Skinner, I tried to call you, and I tried to call her, but I know you're a consultant for them. Chairman Robichaux: Thank you. Anyone else from the public wishing to speak on the public hearing? Second call for anyone to speak from the public on the public hearing? Hearing no further comments (gavel is sounded) public hearing is now closed ___, we will go to the regular agenda.

CHAIRMAN COMMENTS

I want to thank all of you for coming tonight and voicing your opinion, and as an airport commission we will try to do what's best for the community. That's our number one goal. The airport is very important to Lafayette and the surrounding area, and we will do whatever we can to help you and we'll, the firm that we hired to do the study, we will see if there is anything else they may do or can do.

PUBLIC COMMENTS

Chairman Robichaux: Do I have any comments from the public on anything not on the agenda tonight?

MR. Mower: Could you provide us with a timeframe for the study to be done?

Chairman Robichaux: Mr. Bill (Griffin) could you give us a timeframe?

Mr. Griffin: Yes, the uh, the process is that it incorporates comments and responses from the public hearing into the documents and sent to the FAA. They have a statutory six months to review the documents. Mr. Mower: I don't think that's possible, I have spoken with FAA, Bill Bell that says this is not a priority, and that the closeout of grants is there priority right now.

Mr. Griffin: All I can say is that statutorily the FAA has six months to review the document.

Chairman Robichaux: Mr. Mower what I would advise you to possibly do, to answer some of your questions, is talk to your local representation, congressman, senators and whoever else you can talk too concerning the FAA. I think that would be better than, you know we can't, we don't control the FAA. We follow all FAA guidelines, we do what the FAA tells us what we need to do and how to do it. That's out of our hands. That's in the consultant's hands, but I'll recommend you contact your local representation and see if maybe they can help you with some answers. Thank you. Mr. Mower: I will definitely do that.

COMMISSIONER COMMENTS

Chairman Robichaux: Comments from any commissioner on anything not on the agenda this evening?

DIRECTOR'S COMMENTS

Chairman Robichaux: The Director's report.

Mr. Roberts: Sir, uh first off we have Blue Cross Blue Shield Health Insurance Update, and tonight we have Ms. Stacy Bienvenu and David Charpentier. We ask them to come to the front to give their presentation. This is in direct request of the commission to give some sort of update on the healthcare situation and how it could possibly affect Lafayette Regional Airport and its employees.

Ms. Bienvenu: Good Evening, again I'm Stacy Bienvenue and I work here with Brown and Brown insurance companies on Kaliste Saloom. Again as Mr. Greg Roberts mentioned the board just wanted on update on whats going on with healthcare reform because some off the news came out that one of the parts has been post poned until 2015. Really and truly, it doesn't affect you guys because yall are still under fifty that was for groups over fifty, and I'll let David explain more about that um, just in summsry, pretty much everything is still pretty much as we discussed in January, when we were here. When you guys had gotten the increase, which I think was twenty two percent and I am kinda monitoring what is going on with the claims. The claims are running a lot better this year than they were in the last year. So this is a FYI, it's kind of running about a sixty six percent loss ratio within the last six months, and so that's basically good. Anything under seventy percent is running fairly well.

So if everything stays as planned and keeps running fairly well, then we hope to not see that twenty two percent increase again but, we don't know what tomorrow brings, so we can just keep you guys abreast of what's going on as of today. Okay and I'll let David talk more about healthcare reform, but it did renew as expiring and nothing changed for the employees on February 1, 2013. Mr. Charpentier: Hi I am David Charpentier, I'll speak to the healthcare reform piece of this. As Stacy stated none of the changes that have been in the news of late affect your plan in anyway shape or form. Rather than be the individual, I'm sorry the large employer penalty, or the employer mandate. A lot of people call that, that doesn't affect a small plan like yours. Secondly, the stuff that was in the news yesterday about the limits, uh that are in the law on health plans being postponed, that only applies to a very small group of plans that are typically self-funded. It doesn't affect your plan at all. So basically we are in the same situation we were when we last visited, which is basically this, you have a grandfathered plan currently. Which means that your renewal this coming year will be calculated just exactly the same ways as it has been throughout time, with the exception of there will be a few additional cost items due to healthcare reform, which basically are taxes and fees. Uh starting next year, each plan had to pay a total of sixty five dollars in fees per individual covered. Blue Cross will pay that on your behalf, but of course they will be passing it back down to you in your rates, but that's per year per individual, sixty five dollars. Additionally, Blue Cross and all the other insurance carriers have to pay an assessment to the Federal Government, a tax, for lack of a better word. Uh next year that number is going to be eight billion dollars with a b. It's going to be allocated amongst all the various carriers in the country on a pro rate basis. That's not yet been figured out. We don't know exactly what that impacts going to be, but we are estimating maybe a couple percent impact on the rates for that. So those two things will be impacting you as well as starting in January or starting with your renewal in February, there will be no longer any preexisting condition waivers, so that won't have any immediate impact, but down the road as you hire new employees, two years, three years, four years, down the road you could pick up on somebody who did not have prior coverage, and under the current circumstance they would not be covered for a period of time, whereas after January that's no longer the case, they will be covered on day one no matter. Um, that being said, the position you're in is, for a small group, the best position you can be in. Uh, because if you are not a grandfathered plan, and you're a small group as you are, then you are subject to what's called community rating, which is a brand new completely different way of calculating premiums that goes into effect in January for plans renewing after January. We have already been notified by Blue Cross by some of our non-grandfathered plans that due to community ratings our groups are going to get rate increases of fifty percent, sixty percent, seventy percent, eighty percent, some over a hundred percent due to community rating. You don't have to worry about that. You are not subject to community rating being grandfathered. Now not everybody is going to get those kind of rate increases, some people actually get rate decreases or no rate increases at all. It's just going to completely up end the way things are calculated and it's very difficult to predict who is going to get what. So the bottom line is still to remain grandfathered at least until such time that we quote you non-grandfathered plans that will be legal to sell next year. We don't have those plans, we don't have those rates. Um, if you were to make a change today, um you are playing Russian roulette and you may wind up with one of those hundred percent rate increases. Whereas right now we don't anticipate that you are going to have anything more than a normal increase next year. That's kind of where we are at with healthcare reform. Questions? Okay, thank you all. Commissioner Guilbeau: Wait, I have a question. Mr. Charperntier: Yes Sir? Commissioner Guilbeau: Last year when the presentation was made, a comment was made that a lot of the, part of the twenty two percent increase was due to Obamacare for the short term. Mr. Charpentier: Yes. Commssioner Guilbeau: Do you have, and I know that you went through it, sixty five dollars per person. Mr. Charpentier: Those fees start next year for you. Commissioner Guilbeau: And you said about two percent you feel? Mr. Charpentier: About two percent, we are guessing for the tax on Blue Cross and the other

carriers, that's a guess. Because the government hasn't determined yet how they are going to split that eight billion dollars up. Commissioner Guilbeau: And that's about all in the pipeline? Mr. Charpentier: That's all that's in the pipeline healthcare reform related. Then of course you will have your normal planes trend and the normal things that you always had to deal with. Commissioner Guilbeau: Now are we talking strictly about the medical insurance? Mr. Charpentier: Correct. Commissioner Guilbeau: We carry, is it a separate policy, staff might need to help me, what is it an HRA? Right, that's not part of this policy? Mr. Charpentier: It is not. Commissioner Guilbeau: Now there is a requirement that we cannot change the benefit by five percent. Mr. Charpentier: In order to remain grandfathered, you cannot change the benefits, you can't change the contributions, as a percentage from what they were on March 23, 2010 by more than five percent. That is correct. Commissioner Guilbeau: Does that affect the HRA? Mr. Charpentier: No it does not. Commissioner Guilbeau: Okay. Mr. Charpentier: You also cannot change benefits to any degree that uh, there are small changes you can make in benefits, but the problem with that is when you have a fully insured plan like you do and you are going with a carrier the changes that you can make in deductibles and co-pays are so tiny that you don't have a plan that you can go to that's within those criteria. So essentially you can't change benefits. Commissioner Guilbeau: Let me make sure I can understand this; the five percent is strictly the medical premium. Mr. Charpentier: The medical premium and it's from March 23, 2010 to whenever you make the change, and actually forever, it's five percent forever that you can change. Chairman Robichaux: Does that also include new hires? Mr. Charpentier: Yes. Basically what you have to look at is whatever the rate was for a single employee that has to remain within five percent, family within five percent, etc. and so on. By each class of coverage, it's irregardless of when an employee is hired. Chairman Robichaux: Thank you. Any further questions from the commission? Mr. Charpentier: Thank you. Mr. Roberts: Thank you. Uh next item sir, is fly Lafayette passenger statistics, we received some good news about the month of July. Third best month ever at Lafayette Regional Airport. Third best month ever. We also saw quite a strong load factor with American Eagle providing 88 percent seats filled, followed by United to Houston with 87.7 and Delta with 83.6. Some of you may not be aware that we have five flights with American six flights with Delta and nine flights by United. Some of that will be seasonally adjusted, but we have seen real strong flight numbers. We also from Sides report have media exposure for July for approximately ten thousand in free coverage from the advertiser, the morning advocate, also WBRZ, KATC, KPEL, AOC, KTDY and KLFY. The next item is the special meeting that is normally associated with our budget, the 2014 budget. The Chairman has identified that the September 11 meeting, uh, before that, there will be a special meeting to discuss budget. And I don't know if you've elected a time, but that will be forthcoming. Chairman Robichaux: I was going to ask Mary, how long, normally that is about an hour presentation. So if it's ok with the commission we will call the meeting for four o'clock. Instead of having a meeting a different day we will have everything the same day. Four o'clock special meeting on our budget and then the regular meeting at 5:30p.m. Mr. Roberts: But just as a point of information the budget won't be brought up to vote until October, do you provide that clarification? Chairman Robichaux: This is just the Budget hearing, next meeting, September 11th. Mr. Roberts: Ms. Green has something. Ms. Green: It normally takes about an hour and a half, so I would place about an hour and a half. Mr. Robichaux: Four to Five thirty. Ms. Green: Okay, I didn't know if you wanted a break between that and the regular meeting. Chairman Robichaux: We can have it in here at four o'clock and go right into our regular five thirty meeting if that's okay with the commission? Commissioner Guilbeau: Could I suggest we do like the parish council? If we are not finished with (the meeting) we recess, have the regular meeting and then finish the budget hearing. Chairman Robichaux: Right, normally our, we are normally finished by then. Commissioner Guilbeau: and while I have the microphone. Do you plan on giving us a draft copy prior to the Wednesday meeting Mary? Ms. Green: Yes sir, you will have it approximately a week prior to that time. Commissioner Guilbeau: I appreciate that, thank you. Chairman Robichaux: Any

further? Mr. Roberts. Mr. Roberts: Sir, we have two representatives from Republic Parking. On the front row you will recognize John from the presentation he made regarding our parking control installation, and with him he'll introduce our new regional manager. Good evening. (Person in audience interrupts and asks: Are we through with this? Chairman Robichaux: Yes sir, the public hearing? Audience member: Public hearing on noise? Chairman Robichaux: Yes Sir. Audience Member: Is anyone going to explain this to me? I mean I got it on this paper it's written on. You are wasting my time. Chairman Robichaux: Sir we had the public hearing and the public hearing is closed. That's the people who got up and asked questions, it was a public hearing where the public can ask questions of URS and or the commission. Audience Member: What is all this? Chairman Robichaux: It's a noise, it's a 150 noise study. Mr. Roberts: Maybe Mr. Chairman Robichaux: You can talk to Mr. Griffin maybe on the side, he can explain it to you. Audience Member: Can someone please explain to me why I had to come up hear? Chairman Robichaux: You didn't have to come sir. It was just a letter informing you of a public hearing that you are welcome to attend. It was not that you had to come. Audience Member: My address is on there. Chairman Robichaux: Correct, because you live in the noise study area, and by law we notified all residents in that noise study area that we were having a public hearing and you are welcome to come and ask questions or listen to the reports. Audience Member: What questions? Chairman Robichaux: The questions that were asked at the beginning of the meeting. Bill would you step outside and explain to him? Thank you sir. Mr. Leavens: Thank you, so couple things to address here. The first is that Bill Mayo, our regional manager has resigned. He is going to be leaving us at the end of this month. He is going to do his own business. So he is not going to be with Republic Parking anymore. Uh Dwon Thomas, who is here, will be the new regional manager and that's effective now, and we still have Bill to call upon if we have any other things that may come up. In addition, I'll also be involved in this operation on an ongoing basis in order to help Dwon in any way that's necessary. Uh, the second thing that I wanted to address is the installation of the equipment. When I was here last, we explained that the revenue control system and I promised that we will get it all installed for you. And I am here to say that it is all installed for you. Uh, we are working on debugging a few issues with the software, but all the equipment is in and all the equipment is operating and things seem to be going quite well. If any of you have any questions about that, I would be happy to answer them right now otherwise I think we are just on track to continue forward. Chairman Robichaux: Thank You Sir. Mr. Leavens: Thank you. Mr. Roberts: Thank you very much, uh next. Chairman Robichaux: Mr., Roberts one minute. Is there anybody hear for the public hearing if you have a parking pass, if you bring it to Cindy, she will stamp it for you for whenever you leave the meeting. Thank you. Mr. Roberts: Sir we did do an Intergovernmental agreement and transferred a fire truck to New Iberia, I want to thank the Chairman and Commissioner Skinner for attending the P.R. piece. Thank you Robert for setting it up, uh I do have a not from Jason thanking us and I did want to show and maybe pass it around. This plaque was presented to the Chairman, a similar plaque will be inside the truck that we have transferred to the Acadiana Regional Airport. So it will be kind of a memorial to uh, to your good will. We are going to provide that to the fire department to post in the Firehouse so that the guys in our fire department know that the people down in New Iberia have our previous truck. Uh, Next item is Ad Valorem update. Our Ad Valorem millage will be voted on by Lafayette Consolidated Government at their meeting on September 17th, again September 17th. We will send that around as a reminder. We did have our 139 inspection and I am happy to say that we had no write ups, a few comments, but it was a thorough inspection Monday, Tuesday, and Wednesday July 15th through 17th. Want to let you know that the Cajun man Triathlon will take place Sunday September 8th. They will be utilizing the lake that is leased to Marine Survival Training Center, they will do a bike ride starting from the Lafayette Airport going out and then return back to do a 5K run inside our perimeter, basically along our perimeter road around the east end or 11-29. Item 9 is just a list of projects that we have RFP's in hand such as design of perimeter road and Runway 11-29 sealcoat. Other projects that are awaiting the

RFP process is airport layout, taxiway foxtrot widening, strengthening and straightening and runway 11-29 RSA design/environmental. Just as a, there was a question about what projects do we have pending and I have provided to you. Budget report. Before I get to that, Aviation Fun Day for those who are interested will be October 12th. Please let any youngsters that you know that would like to come out and see the airport. October 12th. Budget Reports, a couple meetings back; Mr. Guilbeau requested that we have kind of a mid-course correction regarding the budget. Ms. Green put together a uh, series of information sheets, they should be in your packet. The first one kind of goes over, and again these are preliminary and unaudited and as of 8/12 primarily going through the first six months with a little bit of additional information. You can see what the budget amount was, the additions that were made, and you'll note in the middle column, the blocks 1, 2, and 3, blocked off and highlighted in yellow to give an example of the amended budget and the change. The second sheet that goes along with it identifies those items that were approved by this commission through various meetings as you can see from the left, and their effect on our budget. At a request of Mr. Skinner, we provided the information regarding the magnetic automation system. The Republic Parking system that we just talked about, so it's also included. Are there any questions regarding that report? Do you need Clarifications? Commissioner Guilbeau: One question, and my usual question and I guess it'll go to the financials too. In those figures, where do we pull out the terminal restricted funding? Ms. Green: Terminal restricted funds is a balance sheet entry. It's reported, but it's reported on the balance sheet. Commissioner Skinner: It's just a transfer of one asset to another asset, so it's not actually an outflow of funds. So it won't affect the overall fund balance. It just transferred from operating cash to restricted cash. Commissioner Guilbeau: And I understand that, but if you go to the financials, we are in the negative of a hundred twenty five as the six month period. Mr. Roberts: That was the budget. That's the budget amount. Ms. Green: That's the budgeted number. Commissioner Guilbeau: Okay well my question, has the three hundred and the four hundred and sixty thousand. Has the three hundred and fifty thousand do we extract that from that or that's included? Ms. Green: No, this is an income statement, it's not going to show on the income statement. The transfers that we made, only three transfers have been made so far this year. One for each quarter. The fund balance is correct, it is a balance sheet. So it is not on this income statement. Commissioner Guilbeau: So going back to the original budget report, we got eight thirty two in the good. The three fifty has been. Ms. Green: The eight thirty two is still a projected number. Correct. Commissioner Guilbeau: I understand, but at this point we could spend that. Ms. Green: Correct. Commissioner Guilbeau: Just watching my terminal money. Mr. Roberts: Any other questions regarding the information provided, uh if you want to peruse it, take it home peruse, calls us tomorrow or email us, we can try to explain it further if you have any questions. If no questions, I'll go on to the final item, the financials. This is through the end of June, as far as operational receipts we are above by eight percent from where we thought we would be based on budgeted. Two hundred and seventy nine thousand four hundred and sixty seven. Operational disbursements or expenses, good news we are below by six percent, or two hundred and three thousand eight eighteen. Other Income expenditures, other income miscellaneous income expense which is basically income, and interest income, and operations and maintenance tax were up by one hundred and fourteen percent for where we thought we would be, for a total of a hundred and five thousand twenty three dollars. Total available from operations is five hundred eighty eight thousand three zero eight. We did use some money for capital expenditures for a net increase to cash of a total of five hundred and eighty five thousand seven hundred and ten dollars. That completes the Director's report unless there are any questions. Chairman Robichaux: Questions from the commission? Discussion items.

DISCUSSION ITEMS

LAC Regular Meeting August 14, 2013

page -11

Agenda Item #A – LAC Policy regarding Request for Qualification and Request for Proposals - Discussion/Action – During the June 2013 Commission a discussion was held regarding creating a policy to set procedures with regards to RFQs and RFPs selection criteria. The item was tabled until information regarding this criterion was received from the Federal Aviation Administration.

Yes sir the first discussion item is kind of a holdover from a previous meeting, you talked about establishing a LAC policy for selection process for RFQs/RFPs. Uh, we were sort of waiting until commissioners Segura and Guilbeau came back from their meeting with FAA and going forward. I know I've talked with you Mr. Chairman about this. Chairman Robichaux: I'm going to assign a committee, Mr. Segura, Mr. Guilbeau and Mr. Skinner to work on the policy of RFQs. I would like to have that let's see we're in August, by the October meeting if at all possible. A footprint of what we'll do on that. Thank you very much. Next?

#2013-08-R1-02 Agenda Item #B – Cargo Facility Site Work Preparation – (MBSB) – Authorization -Discussion/Action - In order to meet the deadline of December 31, 2013 set forth by State Capital Outlay as part of the grant received, initial construction of the cargo facility site plan must take place. Staff request authorization for MBSB Group Inc. to begin site work planning and preparation.

Staff Recommends Approval

Mr. Chairman: Comments from the commission? Commissioner Skinner: What exactly are they going to be doing? It was mentioned briefly, are they just going to be doing drainage, roads, and access? Mr. Roberts: Mr. Mark Steilper is here. I would probably defer to him and let him explain the process. Mark Steilper: The site work package is really something that we developed early on in 2011, so this is really piggy-backing or adding on to what we initially developed. The scope of the work is predominantly to relocate the existing secure fence, site clear, earthwork building pads for the buildings, some of the parking area. Uh, put in some of the water and sewer infrastructure for the buildings and now we are kind of adding a little bit of concrete paving. All these are items that are items that can be done without being influenced by the buildings, as they develop from the floor plan. Commissioner Skinner: Right, that was my concern. I did not want to do something, and then the buildings don't occur. Mr. Steilper: Right. Commissioner Skinner: This is stuff that is going to be used anyways. Mr. Steilper: We are trying to stay on the fringes of all that, very little drainage at this point because we really don't have a footprint on the parking situation for sure. Commissioner Skinner: Okay, thank you. Commissioner Guilbeau: Mark, before you leave uh, would you uh; you know I know we are progressing to start a development. Do we, do you need permission to meet the criteria; do you need permission to receive bids tonight? Giving you the authority to receive bids? Mr. Steilper: The uh, the schedule that we had kind of looked at was that we would be putting the plans together predominantly in the next month, and that by the end of September uh, we will be going and advertising for bids, essentially bidding in October, uh late October so that the November Commission meeting you can vote on, you know or take action on that. So the next commission meeting you will have another chance if you want to do that. You could do it tonight if you want, you know I don't know if you needed that or not. If there is an action needed Todd to go out or advertise? Mr. Roberts: Well, typically, if I may, traditionally we authorize the engineer, and in this case the architect to develop the plans and specifications and documents necessary to go out for bid. To answer your question, I think that will probably be the best protocol to follow here. Commissioner Guilbeau: Yeah, well he said September will probably be ok. I'm good with that. Mr. Roberts: But we could go out for bid as soon as he could get the documentations and we scrub it. Mr. Swartzendruber: One thing that I had noticed somewhere along the line was wanting to get some of this going before the end of the year. If you wait until November, if there is some sort of challenge to bids or something that could throw a wrench in the works, so if you can start it sooner. I don't know

LAC Regular Meeting August 14, 2013

page -12

feasibly if they are ready to, but if there is no reason to post pone it. Mr. Roberts: Staff's recommending that you uh, authorize MBSB to begin the design and prepare documents to go to bid for the dirt work for the cargo facility. Commissioner Segura: Do they need any further approval from us to go to bid or could we just go straight to bid and then the only thing we would have to approve is the bids? Mr. Roberts: I would think that authorizing them to go to bid tonight that way as we just said is as soon as they are ready we can go to bid, and if they can fast track this and can be at the end of this month then we can go out to bid. Commissioner Segura: Coupled to scrap all that. I mean obviously we want to move this item forward, so, I mean I'm all for doing that, it's just why do we have to do it.

MOTION: Commissioner Cruse moved that the Lafayette Airport Commission authorize MBSB Group to begin site work planning and preparation and authorize them to develop the bid preparation packets and to go to bid. The Motion was seconded by Commissioner Guilbeau. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? the vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

#2013-08-R1-03 Agenda Item #C – 112A Borman Drive Facility (MBSB) - Discussion/Action –

At the recommendation of the LAC Legal Committee meeting held on July 23, 2013, a complete and thorough evaluation of the structural building must be completed to ensure that the building is suitable for a new long-term lease by a tenant. Staff requests authorization for MBSB Group Inc., to complete the evaluations of the building and provide a report as to the necessary repairs/improvements to be completed in order to accommodate any future tenants.

Staff Recommends Approval

Mr. Roberts: I know several of you were in attendance at that aforementioned legal committee you may want to add something. Commissioner Cruse: I'll summarize real quick. As the chairman of this committee, basically at this meeting it came to light that this building has some environmental concerns that have not been properly addressed by the airport, and it was a recommendation by the legal committee to move forward with a much more advanced assessment of this facility to determine exactly what the water damage, both past and present is. Possibly to do some additional work to go into the walls to alleviate any concerns from the tenant or future tenant at this point as to a long-term lease. It's basically a due diligence that the airport commission needs to do on this facility in order to make it livable, and so I believe that we need to authorize staff and we have decided to use MBSB to kind of head up the project to find a suitable contractor to come in a do the assessment with Acadian Ambulance personnel being there to actually show them and say look this is where we determined the issues, this is the They've had some contractors come in that have given different results from we have gotten, so that's the stage of where we are at.

MOTION: Commissioner Segura: I move, I move, I would like to say a recommendation, but I'd like to, I move to accept the recommendation of the committee to hire MBSB to proceed forward to do a full assessment of that building. The Motion was seconded by Commissioner Cruse. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? The vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett, Skinner

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

#2013-08-R1-04 Agenda Item #D – RSA Improvement RWY 4R-22L Phase V Overlay -

Discussion/Ratify Action – Staff received change order #5 from Diamond B Construction for a time extension on the project. They are requesting an additional 20 days added to the contract for repair and construction changes. The requested additional days brings the project end date to September 11, 2013. The rework and construction changes precipitated from segregated asphalt in the intersection of Runways 4R-22L and 11-29, which presented an unsatisfactory area and unnecessary maintenance problems. The costs associated with the rework are quantifiable through the existing contract line items.

Staff Recommends Approval

Commissioner Segura: So where is that? How much is it? Mr. Roberts: I'll let Mr. Gaines come up and explain it to you. Mr. Gaines: Tim Gaines, URS. This change order here is for the twenty days added. The cost, there was a problem with some of the asphalt they had a patch out there that was segregating, so they had to come back in and repair that at their cost, but as part of the patch there is some other asphalt that is around that asphalt and that instead of having a patch within a patch we took out the full portion it and had them redo that portion of it. And we had quantity left in the project because they are basically finished with the project and to pay for that asphalt is what we are going to do. So that unit cost is in the contract and then the contractor paid for their portion of the rework. Mr. Roberts: So basically all that's being asked of change order number 5 is an additional twenty days. Commissioner Segura: No extra Cost? Mr. Gaines: No extra cost. Commissioner Segura: Okay. Chairman Robichaux: Do I hear a motion?

MOTION: Commissioner Segura moves to accept staff's recommendation. The Motion was seconded by Commissioner Cruse. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? The vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett, Skinner

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

#2013-08-R1-05 Agenda Item #E – Financial Feasibility & Equivalency Study Rescind RESOLUTION #2013-05-R1-06 and Amendment #2 (Resolution #2013-03-R1-07)-

Discussion/Action – Per changes precipitated by new Federal Aviation Administration directive regarding the mandated Runway Safety Area requirements, Resolution #2013-05-R1-06 and the Amendment #2 (Resolution #2013-03-R1-07) with Domingue & Szabo and Associates is no longer needed.

Mr. Roberts: What happened was we were in that conference call we were told that Mr. Bill Bell would be our new ADO and that Summer Guerrero would no longer be with the FAA in southwest region and that change in philosophy had taken place within the FAA which negated the requirement for the financial feasibility and equivalency study regarding the use of runway 11-29 and subsequent EMAS. Their position was you don't need to have this study, if the Lafayette Regional Airport as sponsored by the Lafayette Airport Commission thinks that an EMAS needs to be done then go

ahead and put it into the CIP and ask to line up to get the money. So what we are asking you to do tonight is to rescind those two resolutions and there will be some subsequent items in subsequent tabs. Commissioner Segura: So what you are saying is that you want to move forward with the EMAS but you don't want to do the study? Mr. Roberts: You don't have to do the study. Commissioner Segura: But you don't want us to do the study? Mr. Roberts: It would be a waste of time and money. Commissioner Segura: Okay.

MOTION: Commissioner Cruse moved to rescind the two resolutions #2013-05-R1-06 and Amendment #2 (Resolution #2013-03-R1-07). The motion was seconded by Commissioner Skinner. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? The vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett, Skinner

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

#2013-08-R1-06 Agenda Item #F – PFC Project – Perimeter Road Changed to Taxiway Foxtrot-

Discussion/Action – This PFC project will encompass widening, strengthening, and straightening Taxiway Foxtrot from Taxiway Juliet to Taxiway Lima. This new construction of Taxiway Foxtrot will increase safety for aircraft and ground traffic by providing adequate route to/from the southern portion of Taxiway Juliet should an even exclude travel on Taxiway Juliet north of Taxiway Foxtrot. This project is slated as a multi-year project, with projected funding totaling \$7,500,000.

- I. 2014 PFC \$1,500,000
- II. 2015 LA-DOTD \$3,000,000
- III. 2016 LA-DOTD \$3,000,000

- 1. Rescind Resolution #2013-02-R1-10-Perimeter Road Project
- 2. Taxiway Foxtrot Project – Approval

Commissioner Skinner: Why are we rescinding perimeter road project? We don't think that it? Mr. Roberts: You're rescinding as the PFC project. Mr. Skinner: Okay, but not as a project from our priority project? Mr. Roberts: Correct. Commissioner Skinner: And then that we are still working on funding, we don't have funding for, is that correct? Mr. Roberts: Correct. You will see it under the CIP in a minute. Commissioner Skinner: Okay. And the Taxiway Foxtrot on the CIP was for next year, you are just moving it up? I mean we are moving it up a year right? Mr. Roberts: It's the PFC project. We are just swapping projects basically sir. Commissioner Skinner: Okay. Chairman Robichaux: Any further comments? Commissioner Guilbeau: On the three million for fifteen and sixteen, do we need matching funds for that? Mr. Roberts: Uh, not if we can help it sir. Commissioner Guilbeau: But that would be budgeted? Mr. Roberts: Uh, no we've been very fortunate that the uh, there have been occasions where we've had to match, Taxiway Mike is a good example. However, right now we're, we think we have a good shot at getting the full three million broken up into those two state fiscal years. Chairman Robichaux: Do I hear a motion?

MOTION: Commissioner Cruse moved to rescind the resolution #2013-02-R1-10 and Approve the Taxiway Foxtrot Project. The motion was seconded by Commissioner Guilbeau. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? The vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett, Skinner

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

Commissioner Segura: Just a note, in Item E. I noticed in the supporting data in one of the resolutions, resolution #2013-05-R1-06 which we just rescinded said that I was absent. And I don't think I was absent. And I would just like to note that for the record. Mr. Roberts: Thank you sir, we will check on that and make that correction. Commissioner Segura: I haven't been absent in a long time. Commissioner Guilbeau: Just as information purposes, it so happened that Mr. Segura and I stepped out at a meeting and if you are not the table, you are shown absent. Commissioner Segura: Well then maybe I was. Momentarily. Commissioner Guilbeau: I'm Like you, I haven't missed a meeting, but I have been shown absent. Which was correct by the way.

#2013-08-R1-07 Agenda Item #G – 2014-2015 DRAFT Capital Improvement Plan Submittal to LADOTD -Discussion/Ratify Action – LA-DOTD Aviation requested a draft 2014-2015 CIP be submitted by August 1, 2013. The draft CIP depicts changes precipitated by new FAA directives regarding the mandated runway safety area requirements and the new PFC project. The draft was reviewed and received Chairman Approval July 31, 2013. Staff Requests ratification of this action.

Mr. Roberts: If you have any questions, I'd be happy to go through them either now or later. Commissioner Skinner: I have a couple. ODO priority, what is that? Just curious. Mr. Roberts: Uh, development objectives, what's the O? Mr. Gaines: Overall. Mr. Roberts: Overall, thank you overall development objectives. Commissioner Skinner: It's not lining them up in priority 1, 2, 3 it's just the priority. Mr. Roberts: No, no well, it is in a way. It's our priority. We think this is a very high priority item as you can see we think these are, I mean pretty much all of them are one, one, one. Commissioner Skinner: Right, it's not a chronological order; it's just an order of importance? Mr. Roberts: Correct. Commissioner Skinner: Okay. The um, perimeter road was on the, well you got the perimeter road on here right? Mr. Roberts: Yes sir, the perimeter road is. Commissioner Skinner: I was confused, I thought we were. Mr. Roberts: Well let me explain, because this is a very valuable point. Uh, the perimeter road and ALP update as you can see there under the third item under the 2014 schedule estimated cost of nine million dollars, entitlements of two point three. Other, other which will mean discretionary monies. The first phase of the perimeter road will be the un-built portion the new portion around the west end of runway 11-29. The subsequent phase would be the improvements and rehabilitations. I know that you're aware, I think most of the commissioners are aware of some of the issues that the airport has had regarding FAA controllers and what not, and we think that we have a very high support, high level of support within the FAA so that if we ask for discretionary monies, I am not saying we will get all of it, but if the airport commission puts its money where its mouth is, maybe we will be able to get some funding from the FAA for the remainder of the perimeter road. Is that clear? Commissioner Skinner: Yeah it wasn't on the prior CIP. Mr. Roberts: It was on the prior CIP as the identified PFC project. Commissioner Skinner: Okay. Mr. Roberts: If you look down a little further down to the bottom of that list on 2014 you can see to the far right PFC column, that's where it now shows up. It shows the one point five estimated project cost and PFC one point five. That would be the first phase. Commissioner Skinner: You're on the 14-15? Mr. Roberts: The 14 the federal 15. Left hand column, the first block if you will. The first block, the last item in that block. Commissioner Skinner: But you're on that new one? Mr. Roberts: Yes sir. Commissioner Skinner: Okay, yeah I see that one I just didn't see it on the old one. Mr. Roberts: We can.. Commissioner Skinner: I 'm fine, I guess my issue is the importance. I think that perimeter road is just as important, I think that foxtrot is very as important as well. I just want to make sure we don't lose track of the perimeter road. Mr. Roberts: The thought process is that we think that because of the situation we find ourselves in, that we can get high level support for this project. Commissioner Skinner: Okay. Mr. Roberts: And we are going to try to leverage that. Commissioner Skinner: Okay. Very good. I'm Good. Chairman Robichaux: Any further discussion? Do I hear a motion?

LAC Regular Meeting August 14, 2013

page -16

MOTION: Commissioner Guilbeau moved to accept. The motion was seconded by Commissioner Cruse. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? The vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett, Skinner

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

Chairman Robichaux: Before we go to scheduled business. Mr. Eroll Babineaux: Yes sir, my question, on item c, that is how soon could we start the process with the contractor to evaluate the building? Would that be a week or so, a month, or six months? Mark Steilper: A week to two weeks. Mr. Babineaux: Okay, thank you. Commissioner Cruse: Yeah just for clarification, it is the intent of the commission to move as fast as possible. Mr. Babineaux: I didn't want to open any. Commissioner Cruse: Yeah, I understand.

CONSENSUS ITEMS

#2013-08-R1-08 Scheduled Business - Consensus Items – Commissioner Guilbeau moved that the Lafayette Airport Commission approve the Consensus Items H-P except J(pulled per the LAC Attorney). as presented on the August 14, 2013 LAC Regular Meeting Agenda.

X. Scheduled Business – Consensus Items

- H. BVD-Request for Management of Nature Trail (Surrey Street) - Approval
- I. Avis Budget Group –Acquisition of Zip Car Inc. - Approval
- J. Integrated Airline Services – Negotiation of sale to Cargo Airport Services USA, LLC. - Approval
- K. Erosion Protection at Hwy 90 @Surrey near LED sign & new installed landscape proposal (D&S) Acceptance
- L. Main Terminal Interior Painting (MBSM) – Substantial Completion
- M. 2013 Surplus – Authorization to advertise for bids
- N. Business Center – Purchase of New Copier – Approval
- O. LCG Code of Ordinance – Height Limitations – Approval
- P. Engineered Arresting Systems Corporation, EMAS 22L – Final Acceptance

Chairman Robichaux: I have a couple. Todd on tab H, Bayou Vermillion district. Mr. Roberts you may have, one line says installation of a locked gate to be closed every evening and be opened in the morning to prevent overnight parking. Can we do that on public property? But further down it says indications of the public that the nature trail is there for the enjoyment including primitive camping for overnight canoers and kayakers. If we have a gate, how can they use it overnight? Mr. Roberts: The way it was explained to us by BVD is that the Kayakers would come by water and stay there, and the gate would have no effect on them because they would be in the campsite. Chairman Robichaux: I think Todd had some comments. Mr. Swartzendruber: yeah, I didn't see a problem with them putting a gate up to lock it at night. Chairman Robichaux: But don't you want further indemnification. Mr. Swartzendruber: Yeah, this is just kind of a concept at this point. I am proposing to do a full indemnification agreement and incorporate all this into it. Thank you. Chairman Robichaux: Any further discussion on items H-P, pulling tab J? Commissioner Guilbeau: One quick question of item, tab M. We show a, and this is surplus equipment; we show a doing a 2001 and 2002 pickups. 2001's been in our, what do we do with those vehicles when we replace them with new ones? One of them is over, been replaced place for over a year and a half now? Mr. Burrows: They have actually been in the maintenance shop. I'm sure that occasionally it had been used, but at a very limited source, but it's time to do the surplus, so we are getting rid of it. Commissioner Guilbeau: I'm good thank you. Chairman Robichaux: Do I hear a motion to accept H, I, K, L, M, N, O, P?

LAC Regular Meeting August 14, 2013

page -17

MOTION: Commissioner Segura moved to accept. The motion was seconded by Commissioner Garrett. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? The vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett, Skinner

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

#2013-08-R1-09 Agenda Item #J Pulled for Discussion – Integrated Airline Services – Negotiation of sale to Cargo Airport Services USA, LLC. - Approval-

Staff received correspondence from Integrated Airline Services (IAS) informing the commission that they are negotiating the sale of IAS to Cargo Airport Services USA, LLC. The transaction is expected to close on or around the last week of July 2013. After the transaction is complete, IAS will remain the operating entity on the premise and the operation of the leased facility under the lease will remain unchanged. IAS and Cargo Airport Services USA, LLC is requesting written consent from the lessor of said transaction.

Chairman Robichaux: Tab J, the reason I pulled that is the Legal has questions. Mr. Swartzendruber: Well I just had one recommendation. In addition to the language in the third paragraph, it says, please sign below to indicate your 1. Consent to the transaction and 2. Waiver of any rights to terminate the lease. I wanted to add after that: as a result of the transaction. So it's not a blanket waiver of any right to terminate the lease. That was the only thing, so I recommend we pull that so it's not approved as it's written. Chairman Robichaux: Pull it to next meeting? Mr. Swartzendruber: You can approve it with that language just approve it and I'll get the language changed and then it can be signed.

MOTION: Commissioner Guilbeau moved to approve tab J. with the insertion of legal's recommendation. The motion was seconded by Commissioner Garrett. Chairman Robichaux: I have a motion and a second, any further discussion from the commission? From the Public? All in favor? Opposed? The vote was as follows:

AYES: Cruse, Guilbeau, Segura, Garrett, Skinner

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

Agenda Item #H – BVD-Request for a Memorandum of Understanding for the Management of the LAC Nature Trail (1605 Surrey Street) – Approval-

Staff received a Memorandum of Understanding (MOU) from Bayou Vermillion District for use and management of the Lafayette Airport Commission nature trail area located at 1605 Surrey Street. The Bayou Vermillion district requests authorization to provide the following:

- Clear Brush and undesirable plants such as poison ivy to create a safe and enjoyable natural environment
- Maintenance of the site, including but not restricted to ongoing removal of nuisance plants and litter and any indications of undesirable activities
- Installation of a locked gate to be closed every evening and opened in the morning to prevent overnight parking
- Installation of new signage indicating the hours of operation and that the premises are maintained by BVD
- Indication to the public that the nature trail is there for the enjoyment, including primitive camping for overnight canoers and kayakers. No fires will be allowed on the property.

LAC Regular Meeting August 14, 2013

page -18

Staff provided the information to LAC Legal counsel for his review and comments, but have not received any feedback at the time of this writing.

Agenda Item #I – Avis Budget Group- Acquisition of Zipcar Inc. - Approval - Staff received correspondence from Avis Budget Group that they acquired Zipcar, Inc. In conjunction with the purchase they have launched a nationwide program at select airports making the Zipcar alternative available for the first time to its members at these airports. The process would be virtually seamless. The only change would be that five to ten of their currently used spaces would be dedicated for Zipcar members and stocked with vehicles from their fleet. The company is requesting permission to provide this new service at the airport.

STAFF RECOMMENDS APPROVAL

Agenda Item #K – Erosion Protection Proposal at Hwy 90 @ Surrey near LED Sign and Landscape (DS&A) – Acceptance - Staff received proposals on Thursday, July 25, 2013 @ 2:00 pm for the landscape and erosion near the LED sign on Hwy 90 and Surrey. Five contractors who have bid on recent drainage projects at the Airport were provided project documents and invited to submit a proposal. One contractor submitted a proposal.

The apparent low proposal was submitted by Garden City Construction, Inc. for a base bid of \$15,740.00. The engineer's estimate for the project was between \$10,000.00 and \$15,000.00

DS&A is recommending award of the project to Garden City Construction.

STAFF RECOMMENDS APPROVAL

Agenda Item #L –Main Terminal Interior Painting (MBSB) –Substantial Completion - Acceptance - Staff received substantial completion from Traditional Painting Co. LLC for the Main Terminal Interior Painting project. Punch list Items were provided to the contractor totaling \$1,170.00. \$21,213.00 was paid with a balance of \$139,462.00 due once punch list items are completed.

STAFF RECOMMENDS APPROVAL

Agenda Item #M – 2013 Surplus Authorization to Advertise for Bids - Acceptance - The last airport surplus sale was the summer of 2010. Since that time, the airport has accumulated items that were replaced or became unusable. Staff requests authorization to proceed with the advertisement for surplus property.

All property is bid strictly "As Is, Where Is", and will include the following: a 2001 Dodge Pickup, 2002 Chevy Pickup, security system, Parking Revenue Collection Equipment, computers and copier and any other LAC owned property that is deemed surplus.

STAFF RECOMMENDS APPROVAL

LAC Regular Meeting August 14, 2013

page -19

Agenda Item #N – Business Center- Purchase of a New Copier (State Contract)- Approval -

Staff received a quote for a new coin operating color copier machine for the business center that will be capable of using credit cards, coins and bills. The machine copies 20 pages per minute, color and black/ white. The machine scans and faxes as well.

Listing price is \$7,462.00 with a discount/trade of \$1,000.00 for the purchase price of \$6,462.00.

Lease options are:

1. 60 months \$1.00 buyout \$136.00
2. 60 months FMV \$123.00

Both options include the following: Routine maintenance is \$250.00 annually and includes 20,000 black copies per year, all toner, parts and service. Color copies are billed as used monthly @ \$.07 per copy. Price includes delivery, installation, training, IT connection on all computers, setup and network surge protectors.

Staff recommends purchase of a new business center copier at a state contract price of \$6,462.00 and the routine maintenance of \$250.00 annually.

Agenda Item #O- LCG – Code of Ordinance Sec. 26-621 Height Limitations - Approval - After legal counsel's review of the LCG Code of ordinances regarding height Limitations to protect Lafayette Airport Commission flight paths, the Runway designators must be updated to reflect the current runways in use. Staff requests authorization to provide a resolution to Legal counsel in order to begin the process of updating the Ordinance with the Lafayette Consolidated Government.

STAFF RECOMMENDS APPROVAL

Agenda Item #P- LCG – Engineered Arresting Systems Corporation EMAS 22L – North End-Final Acceptance - Staff received correspondence from URS that the work completed by Engineered Arresting Systems Corporation was reviewed and all punch list items are correct. URS recommends that upon receipt of proof that all amounts due to third parties relative to the delivery and installation of the EMAS blocks have been paid, the LAC grant final acceptance and release of all monies due to the Engineered Arresting Systems Corporation.

STAFF RECOMMENDS APPROVAL

XII. Reports

Agenda Item #Q – Bobbi Hess – Grant Facilitator – Monthly Report –

Agenda Item #R – Adams & Reese – Professional Legal Services – Monthly Update –

Agenda Item #S – Tyron Picard – Picard Group – Monthly Update –

Agenda Item #T– LFT Airport Monthly Fiscal Review – (July) - There were no questions or concerns with the fiscal review.

XIII. Project Updates

Agenda Item #U– Taxiway Mike (Parallel Taxiway (D&S) Update –

LAC Regular Meeting August 14, 2013

page -20

Contractor: Elliott Construction, LLC
Engineer: Domingue, Szabo & Associates
Notice to Proceed: to be determined
Contract Time: 545 calendar days
Scheduled completion: to be determined
Current Activity:

- Contractor is executing contract documents
- Waiting on finalization of grant

Next Activity:

Preconstruction meeting

Agenda Item #V– North GA Phase II (D&S) – Update –

Contractor: Southern Industrial, Inc.
Engineer: Domingue, Szabo & Associates
Notice to Proceed: October 4, 2012
Contract Time: 545 calendar days
Scheduled completion: April 2, 2014
Current Activity

- Contractor has moved onto Area B
- Contractor is working on storm drainage modifications in area B
- Contractor has removed the majority of the existing pavement and nearly completed excavation in area B

Next Item

- Complete Storm Drain modifications
- Begin processing existing subgrade material

Begin installation of base course in Area B

Engineer, Contractor, LAC Staff and LCG are coordinating repairs to Grissom Drive.
Wet weather and ground conditions during the month of July has delayed work on the controlling work items – storm drainage modifications.

As of July 31, 2013

Percent Complete: 22% (by money spent)

Percent of Contract Time Expired: 54%

Adverse Weather Days: 88 to date

Expected Adverse Days: 69 to date

Agenda Item #W– PHI –Access Gate (D&S) Update –

Contractor: Superior Resources
Engineer: Domingue, Szabo & Associates
Current Activity

- Coordinating with Contractor

Next Activity

- Begin Construction as determined by PHI

Agenda Item #X– PHI – Heavy Storage Hangar (D&S) Update –

Contractor: Superior Resources
Engineer: Domingue, Szabo & Associates
Current Activity

- Submitted Preliminary plans to PHI for review and approval
- Waiting on PHI to proceed

LAC Regular Meeting August 14, 2013

page -21

Next Activity

- Complete design
- Submit for permits (if applicable from the LCG)

Agenda Item #Y – Master Plan (D&S) – Update –

Engineer: Domingue, Szabo & Associates

Consultant: Reynolds, Smith & Hill

Current Activity

- Continued work on forecasts based on discussions with LAC Staff
- Beginning inventory of existing facilities
- Requesting and receiving additional information from LAC Staff on based aircraft, leakage rates, etc.

Next Activity

- Continue forecast work
- Continue work on inventory of facilities
- Meet with advisory committee

Agenda Item #Z – Olivia Rae Farms (D&S) – Update –

Contractor: J.B. Mouton

Engineer: Domingue & Szabo & Associates

Developer: Olivia Rae Farms, LLC represented by Joel Broussard

Notice to Proceed: August 1, 2013

Contract Time: 270 calendar days

Scheduled Completion: April 28, 2014

Current Activity

- Preconstruction conference with LAC Staff and Contractor
- Fence Modifications and Pavement Demolition
- Submittals on Building Products

Next Item

- Excavation of Building foundation
- Drilling of shafts for foundation and construct building slab
- Install utilities under building slab

As of August 1, 2013

Percent Complete: 3% (by money spent)

Percent of Contract time Expired: 0%

Adverse Weather days: 0 to date

Excepted adverse Days: 0 to date

Agenda Item #AA – RSA North End Phase III (URS) – Update – This project was issued a substantial completion at the February 2013 LAC meeting. LAC approved the release of retainage at the June meeting minus the value of the remainder of the punch list. After the June LAC meeting, the airport was notified of a lien placed on the project by Port Aggregate. This paperwork was forwarded to LAC attorneys and to Coastal Bridge. It was recommended by LAC attorneys to withhold the lien value plus approximately 25 percent. The contractor resubmitted a payment application for the revised amount which has been submitted to LFT staff. The contractor has completed most of the punch items with the marking punch items remaining. The final acceptance will be placed on the LAC agenda once received and the punch list work found to be complete.

Agenda Item #AB– 4R/22L Overlay Project (URS) – Update –

This Work Order is for Construction Management, Inspection and Materials Testing for Phase V of the construction. It was approved by the Commission during the September 2012 meeting and is currently underway.

LAC Regular Meeting August 14, 2013

page -22

The construction contract was awarded to the low bidder, Diamond B Construction, for \$6,147,805.00. The Notice to Proceed (NTP) was issued for November 22, 2012 and the first weekend construction to begin on December 1, 2012. This work consists of a milling and overlay of the full length of the runway except for the areas constructed previous phases.

The contractor has finished mill 2" and placement of 2" of asphalt. The contractor has completed the 2" overlay of the runway including one weekend of punch list work. The contractor has also completed the grooving for the south end of the runway and will continue the grooving starting around July 20, 2013 after the 30 cure time for the asphalt.

This work requires a cure time before grooving and painting. Diamond B was notified on August 1, 2013 of some asphalt that was raveling and they are going to assess the area. This asphalt may have to be replaced which could cause the contractor to go beyond the contract time. Current contract end date is August 22, 2013.

Contract time will be added on a weekend basis due to adverse weather delays.

The current project status is summarized below.

Notice to Proceed:	November 22, 2012
Original Contract Time:	133 days ¹
Original Contract End Date:	April 4, 2013
Contract Time Change by Change Order:	273 days
Current Contract End Date:	August 22, 2013
Percent of Project Complete by Days:	92.7 ¹
Original Contract Sum:	\$6,147,805.00
Contract Amount by Change Order:	\$6,155,136.00
Completed/Stored to Date:	\$5,581,623.16
Percent Contract Compensation:	90.7% ²

Project is constructed on three day closures of Saturday through Monday. Days will be added to the contract time by weekend work required for adverse weather delays.

The above financial information is based on June 30, 2013 pay application that has been submitted and is under review.

Agenda Item #AC- Noise Study (URS) – Update –

URS is currently undertaking a Part 150 Study for Lafayette Regional Airport on the basis of the Commission's authorization dated October 1, 2009. The following Tasks were in progress this reporting period.

TASK 1: MOBILIZATION AND PROJECT MANAGEMENT

This task accounts for general project administration. It continued this period with no issues.

TASK 2: LAND USE MAPPING

The GIS database will be updated as necessary throughout the project.

TASK 3: INVENTORY OF OPERATIONS – Complete.

TASK 4/5: EXISTING AND FUTURE NOISE CONTOURS – Complete.

TASK 7: NEM REPORT PREPARATION – Complete.

TASK 10: OPERATIONAL MITIGATION ALTERNATIVES –

LAC Regular Meeting August 14, 2013

page -23

URS received FAA comments on the NCP on June 18, 2013. These comments were then forwarded to the Airport staff and are in final review by URS. The comments received are minor and, while requiring certain adjustment to the program, do not require resubmission to the FAA.

The next step in the Part 150 process is to hold a Public Hearing which has been scheduled for the regular August Commission meeting. Notices have been placed in local newspapers, and posters will be placed in prominent locations including the terminal building and the parish courthouse. Any comments received during the hearing will be incorporated into the NCP and the final document then forwarded to the FAA for approval.

Agenda Item #AD – Taxiway Sealcoat Project (URS) – Update –The project is authorized under Work Order 1 of the URS/LAC contract executed October 12, 2012.

The Taxiway Seal Coat Project is progressing satisfactorily. The field inspection phase has been completed and the design team is now quantifying and classifying the cracks and other signs of distress. The team is also developing phasing plans and evaluating seal coating materials.

Agenda Item #AE– T-Hangar Re Roof (MBSB) – Update- All materials are on site. All roof panels have been formed and secured to roof surface with straps.

Summary of T-Hangar Improvements (2013)

Contractor: Crown Architectural Metal Co.
Architect: MBSB Group – Project #1997002.42.01
Notice to Proceed: May 28, 2013
Contract Time: 150 Days
Completion Date: October 23, 2013
Substantial Completion Reached On:
Contract Amount: \$495,367
Liquidated Damages: \$378/Day

Estimate Percentage of Project Complete: 45.29% per Pay App #2@ 7/31 (\$224,331.50/
\$495,367)

(Initial startup costs)

Percentage of Contract Time Used: 42% - 63 Days @ 7/31/13 (64/150)

Adverse Weather Days: -0- To Date

Agenda Item #AF – LRA Signage Upgrades (MBSB) – Update –

Project goals: To development a unified signage plan for the entire airport property including signage regulations for all new signage to be located on LRA properties . Update/ replace existing exterior signage within budget. Work with LCG to consolidate and improve LRA area street signage. Work with State entities to improve directional signage to the Lafayette Regional Airport.

Project currently in design development. Expanding manufacturer search as initial vendor could not meet wind load requirements. Also working with the LCG on right-of-way boundary limit clarifying originally received drawing.

Estimated bid date: September 2013

Estimated bid receipt: October 2013

Estimated contract start date: TBD

LAC Regular Meeting August 14, 2013

page -24

Estimated Contract time: TBD

Estimated completion date: TBD

Summary of Construction Improvements – Not applicable at this time

Contractor:

Architect:

Notice to Proceed:

Contract Time:

Completion Date:

Substantial Completion Reached On:

Contract Amount:

Liquidated Damages:

Estimate Percentage of Project Complete:

Percentage of Contract Time Used:

Agenda Item #AG– Blue Sky Partners (Bellard & Associates) – Update- An update was not received at the time of this writing.

Mr. Roberts: I do want to give a quick update on Olivia Rae Farms; if you haven't been out on the airfield they are pulling up asphalt and starting the work, I mean physical work there. Everything is secure, they relocated the fences, and also if you were to come to the offices you will see that the Blue Sky Partners, uh Chuck Vincent's Project is underway. They've relocated the fences to give themselves a good working area, and yes we made sure thanks to Adam, we didn't interfere with the Bellard, I mean with that construction and Taxiway Mike. So there is room for both of those projects to work without stepping on each other. Chairman Robichaux: Mr. Roberts how is the running of the Fiber coming? They got completed with that or? Mr. Roberts: Just about, I know they were out yesterday I think. Mr. Burrows: They've been actually coming in and assessing the what actually needs to happen, the equipment that they are going to need and lines and installation, but so far it's going pretty good. Chairman Robichaux: Thank you. Any further questions? Any other business? Do I hear a motion to adjourn?

XIV. Other Business

#2013-08-R1-10 - ADJOURN REGULAR MEETING OF August 14, 2013 - At 6:59 p.m., with there being no further business before the Commissioner Guilbeau moved that the August 14, 2013 Regular Meeting of the Lafayette Airport be adjourned. The motion was seconded by Commissioner Segura and vote was as follows:

AYES: Cruse, Guilbeau, Segura, Skinner, Garrett

NAYS:

ABSENT: Spurgeon

MOTION CARRIES

Carroll B. Robichaux
Chairman

and

Gregory M. Roberts, A.A.E.
Director of Aviation



«Street»

July 25, 2013

«City», «State» «PostalCode»

RE: Lafayette Regional Airport Part 150 Noise Compatibility Study

Dear Homeowner/Resident:

The Lafayette Regional Airport, in conjunction with the Lafayette Airport Commission, has undertaken a title 14 CFR part 150 Study to address airport noise concerns in the surrounding community. This study consists of two parts; the Noise Exposure Maps (NEMs) and the Noise Compatibility Program (NCP).

The NEMs are accurate estimates of existing and future aviation related noise exposure around the airport presented as DNL 65 dB noise contours over a Geographical Information System base map. The NEMs were determined to be in compliance with all applicable FAA procedures on the 2nd of April, 2012, and have been available for review by the public at the Administrative Offices of the Lafayette Regional Airport.

The NCP consists of methods recommended to mitigate noise impacts around the airport. These mitigation recommendations may consist of operational changes or changes to land use in and around the impacted areas.

A Public Hearing for the Lafayette Regional Airport (LFT) Part 150 Noise Compatibility Study is scheduled for Wednesday August 14, 2013 starting at 5:30 p.m. This meeting will be held in the Airport Commission room on the 2nd floor of the LFT main terminal building.

The Commission will be discussing the recommended noise mitigation measures proposed in the Noise Compatibility Program (NCP) Report. The public hearing will assist the Commission in determining if the NCP recommendations meet the requirements of the Part 150 program and should be submitted to the Federal Aviation Administration for review and approval.

Our Consultant, URS, will be available for questions. We are inviting you, as a resident potentially residing within the DNL 65 dB noise contour to attend the public hearing to review the NCP findings, and provide input.

We appreciate your interest and value your participation in the LFT Part 150 Noise Compatibility Study.

Sincerely,



Gregory Roberts
Director of Aviation

Lafayette Airport Commission
Lafayette Regional Airport

CC: Daniel Botto, URS Corporation, Project File



SIGN-IN SHEET
PUBLIC HEARING
LAFAYETTE REGIONAL AIRPORT
Part 150 Noise Compatibility Study
Airport Commission Meeting Room, Lafayette Regional Airport
August 14, 2013 5:30 PM
PLEASE PRINT YOUR NAME CLEARLY ON THE LINE BELOW

URS

NAME (Please Print)	Address (Street, City, State, Zip)	E-Mail Address / Phone #
DAN BOTTO	URS CORP TAMPA FL	dan.botto@urs.com
TIM GRIMES	URS CORP Baton Rouge, LA	
DEBORAH MURPHY-LACOS	URS CORP TAMPA FL	
BILL GRIFFIN	URS CORP Austin, TX	
JOHN A JOHNSON	LAFAYETTE, LA. 70508	
DANIEL ELSON	LAC LAFAYETTE, LA	
ROBERT D. DUBOAT	CARDNO ATR LAFAYETTE, LA.	
SSARDINE ANDREWS	LAF AIRPORT SECURITY	
Dean Thomas		

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08/10	THE DAILY ADVER 1000437033	21352 URS CORPORATION	3 placements 8/10 \$595.497		2,096.18
		SALESPERSON: ABRAMS			

SALESPERSON: ABRAMS

3. placements

8/10 \$595.49

8/11 \$904.80

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ADVERTISING INVOICE AND STATEMENT

Obama: Reform ahead for NSA surveillance

Tells Russian leader to 'look forward rather than backward'

By Julia Pace
Associated Press

WASHINGTON — President Barack Obama promised Friday to work with Congress on "appropriate reforms" for the domestic surveillance programs that have stirred criticism at home and abroad, and said it is time to recalibrate the United States' relationship with Russia, which is harboring National Security Agency leaker Edward Snowden.

"It's not enough for me to have confidence in these programs," the president declared of NSA domestic intelligence-gathering, announcing a series of changes in a program begun under the anti-terror Patriot Act that was passed in the wake of the attacks of Sept. 11, 2001. But none of the moves would alter the basic core of the program: the collection of millions of Americans' phone records.

As for Snowden, recently granted temporary



President Barack Obama said Friday that he will work with Congress on "appropriate reforms" to domestic surveillance programs that have stirred criticism at home and abroad. (AP Photo/Andrew H. Guthrie)

asylum by Russia, Obama said he is not a patriot, as some have suggested, and challenged him to return to the United States to face espionage charges.

On Russia, Obama said that given recent differences over Syria, human rights and Snowden, it is "probably appropriate for us to take a pause, reassess where it is that Russia is going... and recalibrate the relationship."

The hour-long news conference ranged over numerous issues, although the president became especially animated when the questions turned to Republicans in Congress. He said they would risk the wrath of the public if they vote to shut down the government this fall in an attempt to cut off funding for his signature health care law.

And on another congressional issue, he said that while he was open to House Republicans pro-

posing an alternative immigration bill, his preference was for a vote on a Senate-passed measure that would combine border security with a chance at citizenship for millions of immigrants living in the country illegally.

He said he was "absolutely certain" such a bill would pass in the GOP-controlled U.S. House.

On Russia

Obama did not mince words about the United States' deteriorating relationship with Russia. He said President Vladimir Putin's recent decision to grant asylum to Snowden was merely the latest in a series of differences between the two countries, including a response to the Syrian civil war and to human rights issues.

"I've encouraged Mr. Putin to look forward rather than backward," Obama said, evoking

memories of relations between the United States and the former Soviet Union.

The president, who just this week canceled a planned summit meeting with Putin, said he does not want the United States to boycott the upcoming 2014 Olympics scheduled to be held in Sochi, Russia, as a protest against Russian treatment of homosexuals.

Fed chairman

On the U.S. economy, Obama said he has a range of candidates he is considering to become chairman of the Federal Reserve, a nomination he likened to an importance to selecting a Supreme Court justice. Among the contenders is former Treasury Secretary Larry Summers and Janet Yellen, the vice chair of the Fed, he said, adding that whoever replaces Ben Bernanke

CONGRESSIONAL REACTION

There was quick reaction from lawmakers to President Barack Obama's news conference.

• Sen. Patrick Leahy, D-Vt., the chairman of the Senate Judiciary Committee, said he would "carefully examine the materials released today and will continue to press for greater transparency, including the release of significant FISA Court opinions."

• Sen. Shelly Capito, a Republican and senior Republican on the Senate Intelligence Committee, said: "I believe there is a consensus among my colleagues that any modifications to the Foreign Intelligence Surveillance Act must be made on a strong bipartisan basis and must not impede the intelligence community's ability to prevent terrorist attacks."

must focus his or her attention on keeping inflation in check and helping strengthen the recovery from the worst recession in decades.

While saying he won't pick a Fed chairman until the fall, he expressed irritation at critics of Summers, including some Democrats in Congress, whom Obama said were engaging in "a standard Washington exercise that I don't like" of launching pre-emptive attacks before an appointment has been made.

Intel changes

The president gave no indication he was prepared to change the core of one of the most controversial surveillance programs, an effort to collect and store identifying information about virtually all the phone calls made in the United States.

Obama announced relatively modest changes, including one to create an independent attorney to argue against the government during secret hearings of the Foreign Intelligence Surveillance Court, which reviews requests for surveillance inside the

U.S. Under current law, prosecutors now make their legal case without opposing arguments, subject only to a ruling by a judge.

Obama is creating an outside advisory panel to review U.S. surveillance powers. Obama said the NSA would hire a privacy officer and that intelligence agencies would build a website explaining their mission.

Cocoa helps memory in some dementia cases

By Karen Weintraub
Special to USA Today

Though it may not justify your chocolate habit, early research suggests that cocoa may help improve blood flow to the brain in people with the earliest signs of vascular dementia.

In a small study of this week, people with high blood pressure, diabetes and some memory challenges performed better on cognitive tests after drinking hot cocoa for a month.

Drinking the cocoa also appeared to increase blood flow to their brains, according to ultrasonography. Vascular dementia, which can include confusion, trouble speaking and vi-



Laboratory findings have pushed science forward through establishing that nutrients in cocoa powder can lower heart disease risk. Now, a new small study finds that cocoa may help improve blood flow to the brain in people with the earliest signs of vascular dementia. (AP Photo/John J. M. O'Connell)

sion loss in addition to memory loss, is caused by reduced blood flow to the brain that deprives brain cells of oxygen and nutrients.

The study, published in

the journal *Neurology*, was designed not to see whether doctors should be prescribing cocoa, but rather to test a potential new method for detecting vascular dementia early,

before symptoms appear. And early signs are that it was a success.

"This is the first measure that could potentially identify individuals at risk before they develop the disease," said Farzaneh A. Sorond, a vascular neurologist at Brigham and Women's Hospital in Boston, who co-wrote the paper. "If we could find a way to identify them before they have damaged their neurons and blood vessels, potentially we could prevent this disease."

The study followed 60 people older than 60 with risk factors such as high blood pressure or diabetes. Both groups were told to drink two cups of hot

cocoa a day.

Tests at the beginning of the trial revealed that about one-third of participants had early signs of memory problems. Those participants — but not the higher-functioning ones — showed improvement in brain blood flow and performance on cognitive tests after a month of cocoa.

Sorond said it could be harmful if someone added cocoa to their diet without cutting calories elsewhere. Each cup of cocoa used in the study contained 100 calories, so researchers were careful to ensure that participants cut 200 calories a day from their normal diet.

Boy oh boy: Michigan couple welcome 12th child — all male

By Ed White
Associated Press

DETROIT — A western Michigan family recently welcomed their 12th child into the world.

And, shocker, it's a boy! Jay and Kateri Schwandt of Rockford welcomed another son — the latest member of the family's all-boys club.

The couple believed the latest baby might break the gender streak, especially after Kateri, known as Teri, was nine days past her due date. That was unusual for her pregnancies. But, as it turned out, that was hardly a game-changer as a nurse at the Grand Rapids hospital announced the delivery: It's a boy. Again.

"Of course. There was a chuckle in the whole room," Teri, 38, said. "The Associated Press on Thursday. I looked at my husband and we exchanged a knowing smile. When they say it's a boy, I think, 'OK, no problem. I've got this.'"

The latest entry is Tucker, at 7 pounds, 12 ounces. Tyler is the oldest son at 21. When the school year starts, three Schwandt boys will be in high school,



Kateri Schwandt kisses her newborn son, Tucker, before leaving the Mercy Health St. Mary's campus Tuesday in Grand Rapids, Mich. (CHRIS CLARK, THE GRAND RAPIDS PRESS)

while five brothers are in lower grades. That leaves three more at home with Teri.

The Schwandts, who live north of Grand Rapids, are devout Roman Catholics who don't believe in using birth control. Teri comes from a family of 14 kids, and she's not the only member of her own family committed to the cause.

She has a sister in the Detroit area, Kate Osberg, who has 10 children of her own. Yep, all sons.

"That's amazing. This is a miracle," said Dr. Bob Barbieri, who researches fertility issues and is chairman of obstetrics and gynecology at Brigham and Women's Hospital in

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LAFAYETTE REGIONAL AIRPORT

PART 150 STUDY NOISE COMPATIBILITY PROGRAM

PUBLIC HEARING

THE PUBLIC HEARING WILL BEGIN AT 5:30 PM

AUGUST 14, 2013

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2nd Floor of the Terminal

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REGIONAL AIRPORT
222 TOWER DRIVE
LAFAYETTE, LA

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If you require special assistance to attend and participate in the Public Hearing, please contact the Lafayette Airport Commission at 337-266-5455 or 337-266-5455 (TDD) 9 hours in advance of the Public Hearing.

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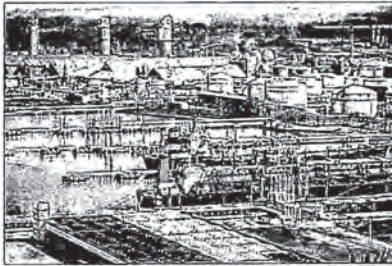
- Install a programmable thermostat and use a higher setting while you are out.
- Replace your home's light bulbs with compact fluorescent light bulbs (CFLs).

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- Install a radiant barrier in your attic.
- Make sure attic insulation is evenly installed and has a R-value of at least 38.

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Mexican President Enrique Peña Nieto's proposal to modernize state-owned oil company Petroleos Mexicanos, whose Los Polaris petrochemical complex is seen here in 2005, is igniting an enormous political fight — not just for the oil industry but for the entire country. CARLOS LOPEZ/ANSA

Fight brews over private stake in a Mexican icon

By E. Eduardo Castillo
and Mark Stevenson
Associated Press

MEXICO CITY — The cornerstone of Mexico's economy, its state-owned Pemex oil monopoly, is crumbling.

An unexpected gas leak at its flagship Mexico City headquarters caused an explosion that collapsed three floors and killed 37 people this year. Thieves by the thousands tap into the company's pipelines, resulting in frequent fiery blasts and damaging leaks. Pemex has barely broken ground on its biggest investment project, a \$9-billion refinery, four years after it was announced.

Worst of all, Mexico's oil fields are drying up, and Pemex lacks the equipment to explore for new reserves in deep water or to extract shale gas. A country that was once a significant oil power could become a net energy importer in a few years unless new production is brought online.

Within days, President Enrique Peña Nieto is expected to propose the most sweeping changes in decades to rescue Petroleos Mexicanos. But the initiative is under ferocious attack even before it's been made, largely because he is expected to propose loosening the government's near-total monopoly on oil exploration and production.

The passion over oil arises from one of Mexico's proudest moments: President Lázaro Cárdenas nationalized the industry in 1938, kicking out 17 foreign oil companies that Mexicans believe had been looting the country's wealth.

Seventy-five years later, most Mexicans still bristle at any hint of involvement by private companies, especially foreigners, even if Pemex itself is exasperated with the hiccups of a powerful and bloated union, inefficiency, theft, corruption and outdated technology.

Possible features

The most controversial part of Peña's plan will likely seek to encourage private investment and technology, possibly including risk-sharing, production-sharing or concessionary agreements, which are banned by Mexico's constitution.

Peña Nieto repeatedly has assured Mexicans that his plan will not privatize the industry. In the most likely scenario, it would allow private firms to share in a percentage of the oil they find, or revenue from it. At present, the law limits them to straight contractual work with incentive bonuses.

When former President Felipe Calderón tried a similar overhaul in 2008, thousands marched in the streets and opposing legislators padlocked the doors of Congress, camping out in the chambers in protest. The watershed bill that resulted failed to solve Pemex's

Underlying problem

Leftist opponents are already mobilizing against the new reform. Among the most impassioned is Andrés Manuel López Obrador, who finished a close second in the last two presidential elections.

Leftist opponents

"Oil is the property of the nation," López Obrador said in a speech this past week, charging that Mexico's oil industry had been intentionally mismanaged by officials who "want to hand it back over to foreigners."

Many other leftists, such as Cardenas' son, Cuauhtémoc, argue that Pemex can be saved without touching the constitution. They say it needs only to operate more efficiently and be allowed to reinvest its profits in its operations, which currently provide fully a third of the federal government's annual budget.

US general says Afghan deal vital

By Patrick Quinn
Associated Press

KABUL, Afghanistan — The top U.S. and coalition commander in Afghanistan stressed Saturday that the signing of a stalled bilateral security agreement between America and Afghanistan



Joseph Dunford

was needed to send a signal both to the Afghan people and the Taliban that the international community remains committed to the country's future stability even as foreign forces withdraw.

Marine Gen. Joseph Dunford, who commands the U.S.-led International Security Assistance Force, told The Associated Press it was important to sign the

deal, which has been stalled since June by President Hamid Karzai.

Last month U.S. Gen. Martin Dempsey, chairman of the Joint Chiefs of Staff, said he would like to see an agreement by October to give NATO enough time to prepare for a post-2014 military presence instead of a total pull-out.

"There is no doubt that the bilateral security agreement is going to send a clear message first and foremost to the Afghan people and Afghan security forces and enhance their confidence to deal with the challenges that we will have to deal with collectively in the coming months," Dunford said.

He added that the BSA will also send a loud and clear signal to regional actors and they will know also that the U.S. and international community is going

to remain committed to a stable, peaceful and unified Afghanistan, and I also think the BSA will send a message to the Taliban that they can't wait us out."

Beyond 2014

Afghanistan and the United States have been negotiating the agreement, which would allow the presence of foreign troops beyond the end of 2014. When signed, it would allow a small force of trainers and possibly counterterrorism troops to remain.

There are currently about 100,000 troops from 48 countries in Afghanistan, including 66,000 Americans. By February, the American presence will be reduced to 34,000 and the NATO force will be halved. Dunford said withdrawal plans are on track.

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Tuition isn't only bill college students see

Room and board cost more than classes, in some cases study finds

By Philip Elliott
Associated Press

WASHINGTON — Despite all the grumbling about tuition increases and student loan costs, other college expenses also are going up.

The price of housing and food trumps tuition costs for students who attend two- and four-year public universities in their home states, according to a College Board survey. Even with the lower interest rates on student loans, students are eyeing bills that are growing on just about every line.

A look at typical budgets last year and how

they're changing:

Community colleges

The public two-year schools charged in-state students an average \$3,131 last year, up almost 6 percent from the previous year. While the tuition hike was larger than at other types of schools, students at community colleges saw the smallest increase in room and board costs — a 1 percent increase to \$7,419. The total for students to attend an in-state public two-year school: \$10,550.

Tuition and fees at community colleges are up 34 percent beyond overall inflation over the past five years, according to the College Board.

Four-year schools

Tuition for students attending public four-year



schools in their state averaged \$8,655 last year, a 5 percent jump from the previous year. They paid more than that — \$9,205 — for housing and food. These schools, like other four-year schools, posted a 4 percent jump in housing costs. Add in books and supplies, transporta-

tion and other costs, and the total reaches \$17,860 to attend an in-state public school. When grants and scholarships are included, the average student pays \$12,110 at such schools.

For students who choose to attend state schools outside their

home state, the costs increase to \$30,911. They pay the same \$9,205 price tag for room and board, but the tuition is more expensive. The typical student who crossed state lines to attend a public college in 2012 paid \$21,706 in tuition and fees after grants and scholarships

— a 4 percent jump from the previous year. Over the past five years, the tuition sticker price at public four-year colleges is up 27 percent beyond overall inflation.

Private schools

On the surface, private four-year schools are the most costly colleges, with the average student's sticker price coming in at \$39,516 for all expenses. Tuition and fees were \$29,056 last year — another 4 percent jump — while room and board ran to \$10,462.

After grants and scholarships, the average student paid \$23,840 to attend schools such as Yale or Stanford.

The tuition at private schools was up 13 percent beyond overall inflation over the past five years adjusted for inflation.

Teachers

Continued from Page 1A

development resources to get ready for the year.

Jonathan Cole, a world geography teacher at Lafayette High School, said he spent a lot of time this summer collaborating with other teachers and building tables to use in his classroom. On Tuesday, his final preparations included posting his syllabus and class details online.

"I don't know who has more butterflies, the teachers or the students," Cole said. "I've been doing this for 10 years, and I still get butterflies. It's excitement and nervousness. But the kids come in, and you take off running, and it's just adrenaline. You never grow out of it."

Tullier said she has two main messages for her students on the first day — focus and remain positive.

"Those are the keys," she said.

Cole said he tries to model positive behavior for his students right away. That means wearing his required ID card and not using his cell phone when students are around. In the first couple of days, Cole said he focuses on getting students adjusted to the campus before diving



Cherrie Claiborne, a fifth-grade teacher, prepares decorations for her classroom ahead of the first day of school at Alice Boucher Elementary on Tuesday. PAUL KELLY FOR THE ADVERTISER

into his lesson plans.

"I teach freshmen, so a lot of it is just orienting students to a large campus," he said. "Being such a large school, it's

overwhelming to a lot of students, so we go over a lot of procedures and policies, talk about the flow of traffic from one class to another, that

kind of thing. A lot of it is just about orientation, being aware of where things are and just making the kids feel at home."

200 families request transfers

By Amanda McElfresh
amcelfresh@theadvertiser.com

The school system received about 200 applications from parents of students at Alice Boucher Elementary and J.W. Faulk Elementary to transfer them to other schools.

The state has declared both schools to be academically unacceptable. Because of that, parents have the option to request to send their children to better-performing schools.

The deadline for parents to submit such requests was Monday.

In a statement, district officials said the number of requests was equally divided between the two schools.

Administrators are working today with staff members at Carceno Heights Elementary, Osun Elementary and Prairie Elementary to facilitate the requests.

Calls will be made to families today about the status of their applications and the next steps. For more information, parents may call 521-7076.

Choice

Continued from Page 1A

formance of the providers. He said he doesn't see the difference between the LVS contracting with course providers and his department doing it with Course Choice.

Garrett complained that Course Choice providers are doing it for a profit,

whereas LVS providers were interested in covering only their costs, if that. He said school systems paid \$150 a person for providing classes and Course Choice providers are charging from \$300 to as much as \$1,200.

White said the state subsidized the LVS providers, in addition to school system payments, with the \$2 million from what's known as the 8(g) Fund.

The LVS had 80 course offerings and Course Choice has more than 100. "You could have just expanded LVS, instead of getting rid of it," Garrett said.

Puryear said 91 percent of students who took LVS courses excelled in state assessment testing. "And what did we do?" he asked. "We shot it down."

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Election

Continued from Page 1A

that an election could be manipulated like this."

When asked if he believed Jindal was involved, Morris said, "Timmy Teepell is Jindal's right-hand man, and it's the governor's decision to hire Rodney and set the election, so yes."

Alexander, Riser, Teepell and Jindal's communications director all denied a deal was cut.

"There was no deal," Alexander said. "People who have been raising campaign money for me have been asking about Neil for two years because he would often be with us and he never had the fact he wanted to eventually run for the seat."

"This so-called conspiracy is for people who don't have anything else to talk about. Anybody

who wants to qualify for the seat can run. How is that a conspiracy?"

Riser said he didn't know about Alexander's decision not to seek reelection until it was first reported at the newscast on Aug. 6 and that he had no previous knowledge of Jindal's decision to appoint Alexander to his cabinet until the newscast reported it on Aug. 7.

"I don't think it was any secret that I wanted to eventually run for the seat," Riser said. "I've been clear the past two years about my intention to run."

Teepell, a partner in the political consulting firm OnMessage, when asked directly whether a deal was cut, said, "No."

"It's a free country and nobody is prevented from running," Teepell said. "It's two weeks and enough time for (Morris) to get to Baton Rouge to qualify to run next week."

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Photo by the Lafayette Airport Commission

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☐ Install a programmable thermostat and use a higher setting while you are out.

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LONG TERM

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Public Hearing
Comment / Response Database

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Appendix O
Response to Comments
Lafayette International Airport
Noise Compatibility Program

Date	Commenter	Comment Number	Comment
8/14/2013	From Lafayette Airport Commission Public Hearing		
	Daniel Mower	1	This here is a study that was done in roughly 2008 - 2009 at the beginning of this whole process. This is supposedly one for the future; my question regarding the future is when was the Study done?
			The NEMs of the LFT Part 150 were accepted by the FAA in 2012 based on actual operations data for 2010 and forecasted data for 2016.
		2	And my other question regarding that before you can answer, was there a vibration study done also on the impact of the vibration which will destroy not just the environmental but the impact of the human part of it too?
			The Part 150 program strictly deals with the affects of aircraft noise on humans.
			<p>FROM: AVIATION NOISE EFFECTS, FEDERAL AVIATION ADMINISTRATION WASHINGTON, DC MAR 85 10.2 STRUCTURAL EFFECTS</p> <p>Potential damage to building structures from low frequency sound vibration became a topic of concern during the environmental assessment of the supersonic jet transport, the Concorde. Subsequent studies revealed that low frequency vibration from the Concorde causes little to no structural damage. Analyses conducted of five historic sites near the proposed subsonic flight path of the Concorde aircraft revealed breakage probabilities from noise-induced vibration for windows, brick chimneys, a stone bridge, and a plaster ceiling to be less than .001 percent per year (Ref. 1). It was found that exposure to normal weather (such as thunder or wind loads) produces a higher probability of breakage than vibrations from the Concorde.</p> <p>At Sully Plantation, Virginia, the test location nearest the Concorde flight path and therefore most likely to sustain vibration damage, calculations were based on a sound level of 104 dBA for each overflight, or an effective pressure of .313 psf. Estimates of the probability of breakage of one flight from Concorde overflights are about one in every million years. The Concorde's contribution to the cumulative damage of a house in the neighborhood of Kennedy Airport was found to be insignificant. Everyday vibrations from wind and household activities were greater than those caused by aircraft in the worst conditions around normal airports.</p> <p>Studies show that the Concorde causes five times the vibration to normal buildings as the older model Boeing 707 (with JT3D engines) (Ref. 2). Considering the higher levels of noise produced by the Concorde in relation to other aircraft, the danger of breakage from noise-induced vibration at all frequencies is therefore slight.</p> <p>10.3 ANNOYANCE WITH STRUCTURAL VIBRATION</p> <p>It has also been theorized that the vibrations induced in buildings and windows by low frequency sound might increase the annoyance of the occupants to a greater degree than the effects of the vibration on the human body. This annoyance is due to human perception of the vibration of a wall or window and rattle created by household objects when the structure vibrates. Infrasound characterized by long wavelengths is not attenuated by walls, partitions, acoustic absorbers, or the atmosphere to the same degree as audible sound.</p> <p>U.S. Army researchers conducted a study to measure the role of vibration and rattle in human response to helicopter noise (Ref. 3). Helicopter noise annoyance was judged against annoyance from a control noise by subjects in the living-dining area of a frame farmhouse, in a mobile home, and outdoors. Subjects in the living-dining area of the house were most annoyed by vibration and rattle; results suggest that, when high levels of vibration and rattle are present, a control noise would have to be 20 dB higher than the helicopter noise to produce equivalent annoyance. This offset was 3 to 6 dB outdoors with an average of 4 1/2 dB. Subjects in the mobile home, most likely because of the low frequency resonance created by the helicopter, display a 3 to 14 dB offset with an average of about 8 dB. The researchers concluded that vibration and rattle can significantly increase the annoyance associated with a particular sound level.</p> <p>Reiher and Meister conducted an investigation of subjective human response to different levels of structural vibration, and used this data to develop the tolerance criteria shown in Figure 10.1 (Ref. 4). Their study revealed that, when compared with these criteria, wall vibration caused by takeoff and approach of the Concorde are imperceptible or barely perceptible, causing no adverse effects on human beings (See Figure 10.2).</p>
		3	Why has there not been a study since, this one here was done in 2008, 2010.
			This NEM was accepted by the FAA in 2012 based on actual 2010 operations data and 2016 forecasted data. The NCP was submitted to the FAA in 2014. There has not been another study performed because a) this one has yet to be approved and implemented, and b) actual aircraft operations are down considerably compared to the forecast, which would result in a shrinking of the NEMs.
		4	With this noise study here, which way is the primary landing.
			The NEM documentation indicates approximately 23 % of operations arrive or depart from the Runway 04 pair, 52 % from the Runway 22 pair, 10 % from Runway 11/29, and the remaining 15 % consisting of helicopters from the HELO pad.
		5	Why did you do the foot print back here why was the foot print done from only this direction based off of your study and stuff like that, so my question is if this was the only footprint, where is the other one?
			The "footprint" is based on actual operational data and is not done from only one direction. The noise contours account for all operations of all aircraft in all directions.

Appendix O
Response to Comments
Lafayette International Airport
Noise Compatibility Program

Date	Commenter	Comment Number	Comment
		6	Based on what they're saying with these studies, the human impact should have been taken into consideration, it wasn't, only the environmental, can anybody explain why that part of it wasn't?
			The Part 150 program strictly deals with the affects of aircraft noise on humans.
		7	Why would we not do a vibration study?
			See response to Comment # 2. The Part 150 program is only applicable to aircraft noise.
	Dianne Bonnecaze	8	Because from what I understand seventy five decibels it will cause damage to their homes.
			See response to Comment #2.
		9	I know in February, all of y'all said, oh well you know we have this mitigation that we can buy your airspace for three thousand dollars. That I still don't understand because the administrative costs on the column right next to it shows that the administrative costs to give me three thousand dollars for my airspace and you get two thousand or five thousand just for administrative costs. That doesn't make any sense to me.
			The administrative costs include preparation of the offer to the homeowner, preparation to submit the easement to the local governing authority to include with the title, and to get the property appraised, if necessary.

APPENDIX P

FAA REVIEW AND APPROVAL

This appendix will include the Letter of Transmittal from LFT to the FAA, the Sponsor's Certification of the NCP, a copy of the Federal Register notification, and the FAA's Letter of Compliance.

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LAFAYETTE AIRPORT COMMISSION
LAFAYETTE REGIONAL AIRPORT



222 Tower Drive
Lafayette, LA 70508-2124
(P) 337-266-4401
(F) 337-266-4410
(E) airport@lftairport.com

August 6, 2014

Mr. Tim Tandy
Airport Environmental Specialist
Federal Aviation Administration
Louisiana/New Mexico Airports Development Office, ASW-640D
2601 Meacham Blvd.
Ft Worth, Texas 76137-4298

**RE:DRAFT TITLE 14 CFR PART 150 NOISE COMPATIBILITY PROGRAM
SUBMITTAL FOR FAA REVIEW AND APPROVAL**

Dear Mr. Tandy:

Enclosed are three (3) hard copies and one (1) CD of Lafayette Regional Airport's title 14 CFR part 150 ***Draft Noise Compatibility Program (NCP) for Lafayette Regional Airport*** for your formal review and approval. The Lafayette Airport Commission, as owner and operator of the Lafayette Regional Airport, is submitting this NCP under the provisions of title 49 USC chapter 471 and title 14 CFR part 150.

The ***Draft Noise Compatibility Program (NCP) for Lafayette Regional Airport*** was made available for public review prior to the public hearing, which was held on August 14, 2013. Comments received during the public review period and public hearing have been incorporated into the ***Draft Noise Compatibility Program (NCP) for Lafayette Regional Airport***.

The Lafayette Airport Commission formally adopted the recommendations contained in the ***Draft Noise Compatibility Program (NCP) for Lafayette Regional Airport at their meeting on May 14, 2014.***

Should you have any questions regarding the enclosed document, please do not hesitate to contact me at 337-266-4401.

Sincerely,

Michael Burrows, C.M.
Interim Director of Aviation

Enclosures



SPONSOR'S CERTIFICATION

The Noise Compatibility Program (NCP) for Lafayette Regional Airport, hereby submitted in accordance with 14 CFR part 150, was prepared with the best available information and are certified as true and complete to the best of my knowledge and belief.

The NCP was developed and prepared in consultation with Federal Aviation Administration (FAA) regional offices, the officials of the state, and of any public agencies and planning agencies whose area of jurisdiction, or any portion thereof, is within the 65 DNL contour depicted on the NEM, and other Federal officials having local responsibility for land uses depicted on the map. This consultation included regular aeronautical users of the airport, including air carriers, military and other aircraft operators.

It is further certified that prior to and during the development of the NCP, and prior to submission of the resulting draft program to the FAA, the Lafayette Airport Commission afforded adequate opportunity for the active and direct participation of the state, public agencies and planning agencies in the area surrounding the airport, aeronautical users of the airport, and the general public to submit their views, data, and comments on the formulation and adequacy of the Draft NCP. Prior to submitting this NCP to the FAA, the Lafayette Airport Commission held a public hearing.

This document constitutes the official Noise Compatibility Program for Lafayette Regional Airport as recommended by the Lafayette Airport Commission. The recommendations in this NCP are those of the Lafayette Airport Commission, not the consultant or another party.

8/1/14

Date of Signature

A handwritten signature in blue ink, appearing to read 'Michael Burrows', is written over a horizontal line.

Michael Burrows, C.M.
Interim Director of Aviation
Lafayette Airport Commission
Lafayette Regional Airport

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program Notice; Lafayette Regional Airport; Lafayette, Louisiana

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Lafayette Regional Airport under the provisions of 49 U.S.C. 47501 et. seq (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150 by Lafayette Airport Commission. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Lafayette Regional Airport were in compliance with applicable requirements, effective April 4, 2012, with **Federal Register** announcement published April 13, 2102. The proposed noise compatibility program will be approved or disapproved on or before November 24, 2015.

DATES: The effective date of the start of FAA's review of the noise compatibility program is May 28, 2015. The public comment period ends July 27, 2015.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Tim Tandy, Environmental Protection Specialist, ASW-640D, 2601 Meacham Boulevard, Fort Worth, Texas 76137. Telephone (817) 222-5644.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Lafayette Regional Airport which will be approved or disapproved on or before November 24, 2015. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program for Lafayette Regional Airport, effective on May 28, 2015. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR Part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 24, 2015.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas.

Steven L. Picou, Executive Director, Lafayette Airport Commission, 222 Tower Drive, Lafayette, LA 70508.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Fort Worth, Texas, May 28, 2015.

Ignacio Flores,
 Manager, Airports Division.

[FR Doc. 2015-13829 Filed 6-4-15; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2015-0010]

Agency Information Collection Activities: Notice of Request for Renewal of Two Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on November 12, 2014. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 6, 2015.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA-2015-0010.

SUPPLEMENTARY INFORMATION:

Title 1: A Guide to Reporting Highway Statistics.

OMB Control Number: 2125-0032.

Abstract: A Guide to Reporting Highway Statistics provides for the collection of information by describing policies and procedures for assembling highway related data from the existing files of State agencies. The data includes motor-vehicle registration and fees, motor-fuel use and taxation, driver licensing, and highway taxation and finance. Federal, State, and local governments use the data for transportation policy discussions and decisions. Motor-fuel data are used in attributing receipts to the Highway Trust Fund and subsequently in the

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responsibilities under the TVA Act of 1933.

Authority: 40 CFR 1501.7.

Wilbourne (Skip) C. Markham,

Director, Environmental Permitting and Compliance.

[FR Doc. 2016-04745 Filed 3-2-16; 8:45 am]

BILLING CODE 8120-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver for Aeronautical Land-Use Assurance at Fort Worth Spinks Airport, Fort Worth, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent for Waiver of Aeronautical Land-Use.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to nonaeronautical use and to authorize the conversion of the airport property. The proposal consists of one parcel of land containing a total of approximately 2.583.

The property was acquired using City and FAA funds through the AIP Program from 1983-1987. The land comprising this parcel is outside the forecasted need for aviation development and, thus, is no longer needed for indirect or direct aeronautical use. The airport wishes to develop this land for compatible commercial, nonaeronautical use. The income from the conversion of this parcel will benefit the aviation community by reinvestment in the airport.

Approval does not constitute a commitment by the FAA to financially assist in the conversion of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the conversion of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. In accordance with Section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before April 4, 2016.

ADDRESSES: Send comments on this document to Mr. Cameron Bryan, Federal Aviation Administration, Acting Manager, Texas Airports Development Office, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Welstead, Aviation Director, City of Fort Worth, 4201 N. Main St. Suite 200, Fort Worth, TX 76106, telephone (817) 392-5400, or Mr. Anthony Mekhail, Federal Aviation Administration, Texas Airports Development Program Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177, telephone (817) 222-5663, FAX (817) 222-5989. Documents reflecting this FAA action may be reviewed at the above locations.

Issued in Fort Worth, Texas, on 15 January, 2016.

Ignacio Flores,

Manager, Airports Division, FAA, Southwest Region.

[FR Doc. 2016-04737 Filed 3-2-16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program Notice, Lafayette Regional Airport, Lafayette, Louisiana

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Lafayette Airport Commission under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On April 4, 2012, the FAA determined that the noise exposure maps submitted by Lafayette Airport Commission under Part 150 were in compliance with applicable requirements. On November 23, 2015, the FAA approved the Lafayette Regional Airport noise compatibility program. Both of the recommendations of the program were approved.

DATES: The effective date of the FAA's approval of the Lafayette Regional Airport noise compatibility program is November 23, 2015.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Tim Tandy, Environmental Protection

Specialist, ASW-640D, 10101 Hillwood Parkway, Fort Worth, Texas 76177. Telephone (817) 222-5644.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Lafayette Regional Airport, effective November 23, 2015.

Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise

compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action.

Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Fort Worth, Texas.

The Lafayette Airport Commission submitted to the FAA on November 29, 2011 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from August 14, 2013 through August 6, 2014. The Lafayette Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on April 4, 2012. Notice of this determination was published in the **Federal Register** on April 13, 2012.

The Lafayette Regional Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from August 6, 2014 to the year 2017. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on May 25, 2015 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained two proposed actions for noise mitigation off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective November 23, 2015.

Outright approval was granted for both of the specific program elements. A preventive land use mitigation measure would offer owners of vacant residential

parcels located within the existing DNL 65 contour the opportunity to participate in the Aviation Easement Acquisition Program. A remedial measure would offer owners of residential properties located within the DNL 65 contour the opportunity to participate in the Aviation Easement Acquisition Program.

These determinations are set forth in detail in a Record of Approval signed by the FAA Southwest Region Airports Division Manager on November 23, 2015. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Lafayette Airport Commission. The Record of Approval also will be available on-line at <http://www.faa.gov/arp/environmental/14cfr150/index14.cfm>.

Issued in Fort Worth, Texas, February 4, 2016.

Ignacio Flores,

Manager, Airports Division.

[FR Doc. 2016-04763 Filed 3-2-16; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Gainesville Municipal Airport in Gainesville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Gainesville Municipal Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before April 4, 2016.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Cameron Bryan, Acting Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW-650, 10101 Hillwood Parkway, Fort Worth, Texas 76177.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Barry Sullivan, City Manager, at the following address: 2300 Airport Drive, Gainesville, Texas 76240.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Mekhail, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW-650, 10101 Hillwood Parkway, Fort Worth, TX 76177, Telephone: (817) 222-5663, email: Anthony.Mekhail@faa.gov.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Gainesville Municipal Airport under the provisions of the AIR 21.

The following is a brief overview of the request: City of Gainesville requests the release of 20 acres of non-aeronautical airport property. The property is located on the southeast side of the airport, bordered by US HWY 82 to the south. The property to be released will be sold and revenues shall be used to enhance development, operations and maintenance of the airport. Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents relevant to the application in person at the Gainesville Municipal Airport, telephone number (940) 668-4500.

Issued in Fort Worth, Texas on February 2, 2016.

Ignacio Flores

Manager, Airports Division.

[FR Doc. 2016-04764 Filed 3-2-16; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2010-0180]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated February 9, 2016, the Denton County Transportation Authority (DCTA) has petitioned the Federal Railroad Administration (FRA) for an extension of its existing waiver of compliance from certain provisions of the Federal railroad safety regulations. Specifically, DCTA is requesting an extension of its existing relief from the following parts and specific regulations of 49 CFR part 238, Passenger Equipment Safety Standards (Sections 238.115, 238.121, 238.223, 238.305, 238.309, and Appendix D); Part 229, Railroad



U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region
Airports Division
Louisiana/New Mexico Airports
Development Office

10101 Hillwood Pkwy
Fort Worth, Texas 76177



December 11, 2015

Steven L. Picou, Executive Director
Lafayette Airport Commission
222 Jet Ranger X Drive
Lafayette, LA 70508

Dear Mr. Picou:

The Federal Aviation Administration (FAA) has evaluated the noise compatibility program for Lafayette Regional Airport contained in the Lafayette Regional Airport Noise Compatibility Program for the Part 150 Noise Compatibility Study and related documents submitted to this office under the provisions of Title 49, USC, Chapter 475. The recommended noise compatibility program proposed by the Lafayette Airport Commission is identified by action element number on Page 10-1 of Lafayette Regional Airport Noise Compatibility Program for the Part 150 Noise Compatibility Study. I am pleased to inform you that the Airports Division Manager has approved both of the proposed action elements in the noise compatibility program, in full. The specific FAA action for each noise compatibility program element is set forth in the enclosed Record of Approval. The effective date of this approval is November 23, 2015.

All of the approval actions are more fully explained in the enclosed Record of Approval.

Each airport noise compatibility program developed in accordance with 14 CFR Part 150 is a local program, not a Federal program. The FAA does not substitute its judgement for that of the airport proprietor with respect to which measures should be recommended for action. The FAA approval or disapproval of Part 150 program recommendations is measured according to the standards expressed in Part 150 and Title 49, and is limited to the following determinations:

The noise compatibility program was developed in accordance with the provisions and procedures of Part 150;

Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible uses;

Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical users, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government;

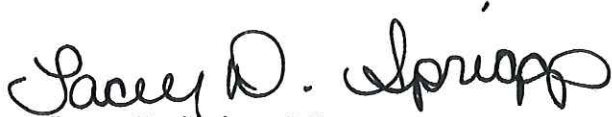
Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under Title 49, USC, Chapter 471. Where Federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Fort Worth, Texas.

The FAA will publish a notice in the Federal Register announcing approval of this noise compatibility program. You are not required to give local official notice, although you may do so if you wish.

Thank you for your continued interest in noise compatibility planning.

Sincerely,

A handwritten signature in black ink, reading "Lacey D. Spriggs". The signature is fluid and cursive, with the first name "Lacey" and last name "Spriggs" clearly legible.

Lacey D. Spriggs, Manager
Louisiana/New Mexico Airports Development Office

Enclosure

cc:
ASW-610

RECORD OF APPROVAL

Lafayette Regional Airport
Lafayette, Louisiana

14 C.F.R. PART 150 NOISE COMPATIBILITY PROGRAM

Statements within the program measures below summarize as closely as possible the airport operator's recommendations contained in the Noise Compatibility Plan (NCP). The statements within the summaries, which precede the indicated FAA approval, disapproval, or other determination, do not represent the opinions or decisions of the FAA. The page numbers in parentheses cross-reference the submitted document/addenda.

The approvals listed here include approvals of actions that Lafayette Airport Commission recommends be taken by the FAA. The approvals indicate only that the actions would, if implemented, be consistent with the purposes of Part 150. These approvals do not constitute decisions to implement the actions. Later decisions concerning possible implementation of these actions may be subject to applicable environmental or other procedures or requirements.

Sponsor applications for Federal funding under the Airport Improvement Program should be made within 5 years of the date the Noise Exposure Maps (NEMs) were accepted. Any applications after that date must include certification of the accuracy of the NEMs with supporting documentation. If certification cannot be given, the NEMs will need to be updated and accepted by the FAA prior to consideration of Federal funding assistance.

Appendices M and O of the NCP present comments associated with the public hearing and subsequent formal publication of the NCP, as well as responses addressing them. The FAA received a comment letter from Dianne Bonnezaze and Daniel Mower in response to the Federal Register notice for the NCP. Although it was received after the comment deadline, that letter is presented and its issues are addressed in Appendix M.

The Sponsor requested FAA approval of the following measures:

Program Recommendation: Preventive Land Use Mitigation Measure - Acquire Avigation Easement (Sections 9.2.5 and 10.2.1)

The Sponsor proposes to offer owners of vacant residential parcels located within the Program Area (Exhibit 10.1, existing DNL 65 contour) the opportunity to participate in the Avigation Easement Acquisition Program.

FAA determination: Approved.

Program Recommendation: Remedial Land Use Mitigation Measure – Acquire Avigation Easement (Sections 9.3.4 and 10.2.2).

FEDERAL AVIATION ADMINISTRATION

RECORD OF APPROVAL


14 C.F.R. PART 150 NOISE COMPATIBILITY PROGRAM

Lafayette Regional Airport


Lafayette, Louisiana


Regional Counsel, ASW-7


11/20/15
Date


Concur

Nonconcur


Airports Division Manager,
ASW-600

11/23/15
Date


Approved

Disapproved